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— THE —

CONSTITUTION

— OF THE —

STATE OF MARYLAND

Formed and Adopted by the Convention which Assembled at the City of Annapolis, May 8, 1867, and Submitted to and Ratified by the People on the 18th Day of September, 1867, with all Amendments to the Same to March, 1898.

With Decisions of the Court of Appeals To and Including 85 Md.

AND AN INDEX.

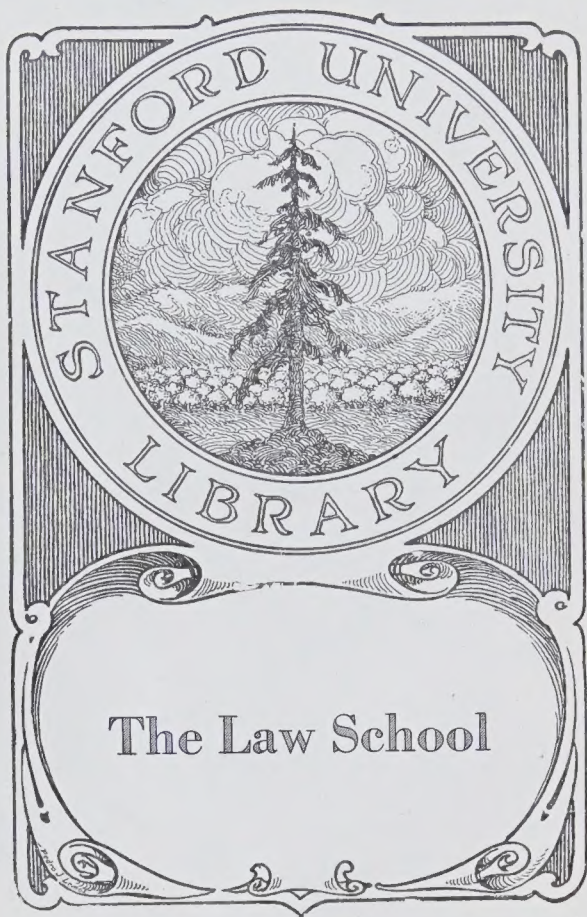
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CONSTITUTION OF MARYLAND,

ADOPTED BY THE CONVENTION.

WHICH ASSEMBLED AT THE CITY OF ANNAPOLIS, ON THE EIGHTH DAY OF MAY,
EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND ADJOURNED ON THE
SEVENTEENTH DAY OF AUGUST, EIGHTEEN HUNDRED AND
SIXTY-SEVEN, AND RATIFIED BY THE PEOPLE ON THE
EIGHTEENTH DAY OF SEPTEMBER, EIGH-
TEEN HUNDRED AND SIXTY-SEVEN.

DECLARATION OF RIGHTS.

We, the People of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and more permanent security thereof, declare:

ARTICLE 1. That all Government of right originates from the People, is founded in compact only, and instituted solely for the good of the whole; and they have, at all times, the alienable right to alter, reform or abolish their form of Government in such manner as they may deem expedient.

Hepburn's Case, 3 Bl 95. *Manly v. State*, 7 Md. 147.

ART. 2. The Constitution of the United States, and the Laws made or which shall be made in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, are, and shall be the

Supreme Law of the State; and the Judges of this State and all the People of this State are and shall be bound thereby; anything in the Constitution or Law of this State to the contrary notwithstanding.

Barney v. Patterson, 6 H. & J. 203. *Ches. & Ohio Canal Co. v. B. & O. R. Co.*, 4 G. & J. 1. *Howell v. State*, 3 Gill, 14. *Wilson v. Turpin*, 5 Gill, 56. *Larabee v. Talbott*, 5 Gill, 426. *Irwin v. Sprigg*, 6 Gill, 200. *Evans v. Sprigg*, 2 Md. 457.

ART. 3. The powers not delegated to the United States by the Constitution thereof, nor prohibited by it to the States, are reserved to the States respectively or to the People thereof.

ART. 4. That the People of this State have the sole and exclusive right of regulating the internal government and police thereof, as a free, sovereign and independent State.

ART. 5. That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that law, and to the benefit of such of the English Statutes as existed on the Fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law or Equity; and also of all Acts of Assembly in force on the first day of June, eighteen hundred and sixty-seven; except such as may have since expired, or may be inconsistent with the provisions of this Constitution; subject, nevertheless, to the revision of, and amendment or repeal by, the Legislature of this State. And the Inhabitants of Maryland are also entitled to all property derived to them from, or under the Charter granted by His Majesty Charles the First, to Cæcilius Calvert, Baron of Baltimore.

State v. Buchanan, 5 H. & J. 317. *Dashiell v. Attorney-General*, 5 H. & J. 401. *State v. Wayman*, 2 G. & J. 254. *State v. Bank of Maryland*, 6 G. & J.

255. *Smith v. State*, 5 Gill, 45. *Wright v. Wright's Lessee*, 2 Md, 429. *Manly v. State*, 7 Md. 135. *Broadbent v. State*, 7 Md. 416. *Steuart v. Mayor, &c., of Balto.*, 7 Md. 500. *Eichelberger v. Hardesty*, 15 Md. 548. *Pue v. Hetzell*, 16 Md. 539. *Koontz v. Nabb*, 16 Md. 549. *McCoy v. Johnson*, 70 Md. 490. *Ford v. State*, 85 Md. 465.

ART. 6. That all persons invested with the Legislative or Executive powers of Government are Trustees of the Public, and as such accountable for their conduct: Wherefore, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought, to reform the old or establish a new Government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

ART. 7. That the right of the People to participate in the Legislature is the best security of liberty and the foundation of all free Government; for this purpose, elections ought to be free and frequent; and every* male citizen, having the qualifications prescribed by the Constitution, ought to have the right of suffrage.

Bevard v. Hoffman, 18 Md. 479.

ART. 8. That the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said Departments shall assume or discharge the duties of any other.

State v. Chase, 5 H. & J. 304. *Crane v. Meginnis*. 1 G. & J. 463. *Mitchell v. Mitchell*, 1 Gill, 56. *Prout v. Berry*, 2 Gill, 147. *Miller v. State*, 8 Gill, 145. *Watkins v. Watkins*, 2 Md. 341. *Wright v. Wright's Lessee*, 2 Md. 429. *Thomas v. Owens*, 4 Md. 189. *Gough v. Pratt, Adm'r.* 9 Md. 526. *Calvert v. Williams*, 10 Md. 478. *Mayor, &c., of Balto., v. Police Commissioners*, 15 Md. 376. *State v. N. C. R. W. Co.*, 18 Md. 193. *Miles v. Bradford*, 22 Md. 181. *Mayor, etc., of Baltimore v. Horn*, 26 Md. 206. *Green's Estate*, 4 Md. Ch. Dec. 349. *Waters v. Roche*, 72 Md. 264. *Van Witsen v. Gutman*, 79 Md. 405. *Mayor, etc., of Baltimore v. Ulman*, 79 Md. 469.

*The word "white" omitted under the 15th Amendment to the Constitution of the United States.

ART. 9. That no power of suspending Laws or the execution of Laws, unless by or derived from the Legislature, ought to be exercised or allowed.

ART. 10. That freedom of speech and debate or proceedings in the Legislature ought not to be impeached in any Court of Judicature.

ART. 11. That Annapolis be the place of meeting of the Legislature; and the Legislature ought not to be convened or held at any other place but from evident necessity.

ART. 12. That for redress of grievances, and for amending, strengthening and preserving the Laws, the Legislature ought to be frequently convened.

ART. 13. That every man hath a right to petition the Legislature for the redress of grievances in a peaceable and orderly manner.

ART. 14. That no aid, charge, tax, burthen or fees ought to be rated or levied, under any pretence, without the consent of the Legislature.

ART. 15. That the levying of taxes by the poll is grievous and oppressive, and ought to be prohibited; that paupers ought not to be assessed for the support of the Government; but every person in the State, or person holding property therein, ought to contribute his proportion of public taxes for the support of the Government, according to his actual worth in real or personal property; yet, fines, duties or taxes may properly and justly be imposed or laid, with a political view for the good government and benefit of the community.

Egan v. Charles Co. Court, 3 H. & McH. 169. *Tax Cases*, 12 G. & J. 117. *Waters v. State*, 1 Gill, 302. *Burgess v. Pue*, 2 Gill, 11 and 254. *State v.*

Mayhew, 2 Gill, 487. *Howell v. State*, 3 Gill, 14. *Mayor, &c., of Balto. v. B. & O. R. R. Co.*, 6 Gill, 290. *Bradford v. Jones*, 1 Md. 368. *The Germania v. State*, 7, Md. 1. *State, use Mayor, &c., of Balto., v. Norwood*, 12 Md. 195. *O'Neal v. Va. & Md. Bridge Co.*, 18 Md. 1. *Howard v. First Independent Church of Baltimore*, 18 Md. 451. *State v. Stirling*, 20 Md. 516. *Tyson v. State*, 28 Md. 577. *State v. Cumb. & Penn. R. R. Co.*, 40 Md. 22. *State v. N. C. R. R. Co.*, 44 Md. 131. *State v. Phil., Wilm. & Balto. R. R. Co.*, 45 Md. 36. *Appeal Tax Court of Balto. City v. Rice et al.* 50 Md. 303. *Same v. Patterson*, 50 Md. 354. *Co. Commrs. of Prince George's Co. v. Commrs. of Laurel*, 51 Md. 457. *Mayor, &c., v. Canton Co.*, 63 Md. 237. *Daly v. Morgan*, 69 Md. 460. *Commrs. Prince George's Co. v. Commrs. Laurel*, 70 Md. 269. *Allen v. Co. Commrs. Harford Co.*, 74 Md. 294. *Wells v. Commrs. of Hyattsville*, 77 Md. 125. *U. S. Electric Power Light Co. v. State*, 79 Md. 63. *Rohr v. Gray*, 80 Md. 274. *Short v. The State*, 80 Md. 392. *Simpson v. Hopkins*, 82 Md. 478. *Faust v. Building Ass'n*, 84 Md. 186. *Baltimore and Eastern Shore R. R. v. Spring*, 80 Md. 510.

ART. 16. That sanguinary Laws ought to be avoided as far as it is consistent with the safety of the State; and no Law to inflict cruel and unusual pains and penalties ought to be made in any case or at any time hereafter.

Foot v. State, 59 Md. 264. *Mitchell v. State*, 82 Md. 527.

ART. 17. That retrospective Laws, punishing acts committed before the existence of such Laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore, no *ex post facto* Law ought to be made, nor any retrospective oath or restriction be imposed or required.

McMechen v. the Mayor, &c., of Balto., 2 H. & J. 41. *Canal Co. v. Railroad Co.* 4 G. & J. 1. *State, use of Washington Co., v. B. & O. R. R. Co.*, 12 G. & J. 399. *State v. Burke*, 2 Gill, 79. *Baugh v. Nelson*, 9 Gill, 302. *Wilson v. Hardesty*, 1 Md. Ch. Dec. 66. *Wilderman v. Mayor, &c., of Balto.*, 8 Md. 551. *Thistle v. Frostburg Coal Co.*, 10 Md. 129. *State, use of Mayor, &c., of Balto., v. Norwood*, 12 Md. 195. *Willis v. Hodson*, 79 Md. 327. *Lynn v. The State*, 84 Md. 67.

ART. 18. That no Law to attain particular persons of treason or felony ought to be made in any case or at any time hereafter.

ART. 19. That every man, for any injury done to him in his person or property, ought to have remedy by the course of the Law of the Land, and ought to have jus-

tice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the Land.

Wright v. Wright's Lessee, 2 Md. 452. *United States Electric Power and Light Co. v. State*, 79 Md. 63.

ART. 20. That the trial of facts, where they arise, is one of the greatest securities of the lives, liberties and estate of the People.

ART. 21. That in all criminal prosecutions every man hath a right to be informed of the accusation against him; to have a copy of the Indictment or charge in due time (if required) to prepare for his defence; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him on oath; and to a speedy trial by an impartial jury without whose unanimous consent he ought not to be found guilty.

Ford v. State, 12 Md. 514. *Davis v. State*, 39 Md. 355. *State v. Glenn*, 54 Md. 572, *Johns v. State*, 55 Md. 350.

ART. 22. That no man ought to be compelled to give evidence against himself in a criminal case.

Day v. State, 7 Gill, 321. *Broadbent v. State*, 7 Md. 416.

ART. 23. That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the Land.

Wright v. Wright's Lessee, 2 Md. 429. *Mayor, etc., Baltimore v. Horn*, 26 Md. 206. *Davis v. Helbig*, 27 Md. 462. *Roth v. House of Refuge*, 31 Md. 329. *Grove v. Todd*, 41 Md. 633. *State v. State*, 72 Md. 464. *Ulman v. M. & C. C. Balto.* 72 Md. 587-609. *Scharf v. Tasker*, 72 Md. 378.

ART. 24. That slavery shall not be re-established in this State; but having been abolished under the policy and authority of the United States, compensation, in consideration thereof, is due from the United States.

ART. 25. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted by the Courts of Law.

ART. 26. That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal, and ought not to be granted.

ART. 27. That no conviction shall work corruption of blood or forfeiture of estate.

ART. 28. That a well regulated Militia is the proper and natural defence of a free Government.

ART. 29. That Standing Armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the Legislature.

ART. 30. That in all cases, and at all times, the military ought to be under strict subordination to and control of the civil power.

ART. 31. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by Law.

ART. 32. That no person except regular soldiers, marines and mariners in the service of this State, or militia, when in actual service, ought, in any case, to be subject to or punishable by Martial Law.

ART. 33. That the independency and uprightness of Judges are essential to the impartial administration of Justice, and a great security to the rights and liberties of the People; wherefore, the Judges shall not be removed,

except in the manner and for the causes provided in this Constitution. No Judge shall hold any other office, civil or military, or political trust, or employment of any kind whatsoever, under the Constitution or Laws of this State, or of the United States, or any of them; or receive fees, or perquisites of any kind, for the discharge of his official duties.

Bradford v. Jones, 1 Md. 368. *Cantwell v. Owens*, 14 Md. 215.

ART. 34. That a long continuance in the Executive Departments of power or trust is dangerous to liberty; a rotation, therefore, in those Departments is one of the best securities of permanent freedom.

ART. 35. That no person shall hold, at the same time, more than one office of profit, created by the Constitution or Laws of this State; nor shall any person in public trust receive any present from any foreign Prince or State, or from the United States, or any of them, without the approbation of this State.

ART. 36. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore, no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice, unless, under the color of religion, he shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent, or maintain, or contribute, unless on contract, to maintain any place of worship or any ministry; nor shall any person, otherwise competent, be deemed incompetent as a witness, or juror, on account of his religious belief; provided, he believes in the existence of God, and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor in this world or the world to come.

Jude v. State, 78 Md. 510.

ART. 37. That no religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God; nor shall the Legislature prescribe any oath of office than the oath prescribed by this Constitution.

ART. 38. That every gift, sale or devise of land to any Minister, Public Teacher or Preacher of the Gospel, as such, or any Religious Sect, Order or Denomination, and every gift or sale of goods, or chattels, to go in succession, or to take place after the death of the Seller or Donor, to or for the support, use or benefit; and also every devise of goods or chattels to or for the support, use or benefit of any Minister, Public Teacher or Preacher of the Gospel, as such, or any Religious Sect Order or Denomination, without the prior or subsequent sanction of the Legislature, shall be void; except always, any sale, gift, lease or devise of any quantity of land, not exceeding five acres, for a church, meeting house, or other house of worship, or parsonage, or for a burying ground, which shall be improved, enjoyed, or used only for such purpose; or such sale, gift, lease or devise shall be void.

Vansant v. Roberts, Adm'r, 3 Md. 119. *Grove v. Trustees of the Disciples*, 33 Md. 451. *England, Ex'r v Vestry of P. George's Par.*, 53 Md. 466. *Church Ext of the M. E. Church v. Smith*, 56 Md. 362. *Kelso v. Stiger*, 75 Md. 376.

ART. 39. That the manner of administering the oath or affirmation to any person ought to be such as those of the religious persuasion, profession or denomination of which he is a member, generally esteem the most effectual confirmation by the attestation of the Divine being.

ART. 40. That the liberty of the press ought to be inviolably preserved; that every citizen of the State ought to be allowed to speak, write and publish his sentiments on all subjects, being responsible for the abuse of that privilege.

Negley v. Farrow, 60 Md. 148.

ART. 41. That monopolies are odious, contrary to the spirit of a free government and the principles of commerce and ought not to be suffered.

The Broadway and Locust Point Ferry Co. v. Hankey, 31 Md. 346.

ART. 42. That no title of nobility or hereditary honors ought to be granted in this State.

ART. 43. That the Legislature ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of general education, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general amelioration of the condition of the people.

ART. 44. That the provisions of the Constitution of the United States, and of this State, apply as well in time of war as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government and tends to anarchy and despotism.

ART. 45. This enumeration of Rights shall not be construed to impair or deny others retained by the People.

Campbell's Case, 2 Bl. 209.

CONSTITUTION.

ARTICLE I.

ELECTIVE FRANCHISE.

SECTION 1. All elections shall be by ballot; and every* male citizen of the United States, of the age of twenty-one years, or upwards, who has been a resident of the State for one year, and of the Legislative District of Baltimore city, or of the county, in which he may offer to vote, for six months next preceding the election, shall be entitled to vote, in the ward or election district in which he resides, at all elections hereafter to be held in this State; and in case any county or city shall be so divided as to form portions of different electoral districts, for the election of Representatives in Congress, Senators, Delegates, or other Officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county, or city, which shall form a part of the electoral district, in which he offers to vote, for six months next preceding the election; but a person, who shall have acquired a residence in such county or city, entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county or city to which he has removed.

Bevard v. Hoffman, 18 Md. 479. *Miles v. Bradford*, 22 Md. 171. *Shaeffer v. Gilbert*, 73 Md. 66. *Southerland v. Norris*, 74 Md. 326. *Langhammer v. Munter*, 80 Md. 518. *Hanna v. Young*, 84 Md. 179.

SEC. 2. No person above the age of twenty-one years, convicted of larceny or other infamous crime, unless

*The word "white," expunged.

pardoned by the Governor, shall ever thereafter, be entitled to vote at any election in this State; and no person under guardianship, as a lunatic, or as a person *non compos mentis*, shall be entitled to vote.

State v. Bixler, 62 Md. 354.

SEC. 3. If any person shall give, or offer to give, directly or indirectly, any bribe, present, or reward, or any promise, or any security, for the payment or the delivery of money, or any other thing, to induce any voter to refrain from casting his vote, or to prevent him in any way from voting, or to procure a vote for any candidate or persons proposed, or voted for, as Elector of President and Vice-President of the United States, or Representative in Congress, or for any office of profit or trust, created by the Constitution or Laws of this State, or by the Ordinances, or Authority of the Mayor and City Council of Baltimore, the person giving, or offering to give, and the person receiving the same, and any person who gives, or causes to be given, an illegal vote, knowing it to be such, at any election to be hereafter held in this State, shall, on conviction in a Court of Law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election thereafter.

SEC. 4. It shall be the duty of the General Assembly to pass Laws to punish, with fine and imprisonment, any person who shall remove into any election district or precinct of any ward of the city of Baltimore, not for the purpose of acquiring a *bona fide* residence therein, but for the purpose of voting at an approaching election, or who shall vote in any election district or ward in which he does not reside (except in the case provided for in this article), or shall, at the same election, vote in more than one election district, or precinct, or shall vote, or offer to

vote in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

SEC. 5. The General Assembly shall provide by law for a uniform Registration of the names of all voters in this State who possess the qualifications prescribed in this Article, which Registration shall be conclusive evidence to the Judges of election of the right of every person thus registered to vote at any election thereafter held in this State; but no person shall vote at any election, Federal or State, hereafter to be held in this State, or at any municipal election in the city of Baltimore, unless his name appears in the list of registered voters; and until the General Assembly shall hereafter pass an Act for the Registration of the names of voters, the law in force on the first day of June, in the year eighteen hundred and sixty-seven, in reference thereto, shall be continued in force, except so far as it may be inconsistent with the provisions of this Constitution; and the registry of voters, made in pursuance thereof, may be corrected, as provided in said law; but the names of all persons shall be added to the list of qualified voters by the officers of Registration, who have the qualifications prescribed in the first section of this Article, and who are not disqualified under the provisions of the second and third sections thereof.

Miles v. Bradford, 22 Md. 176. *Smith v. Stephan*, 66 Md. 381.

SEC. 6. Every person elected or appointed to any office of profit or trust, under this Constitution, or under the laws, made pursuant thereto, shall, before he enters upon the duties of such office, take and subscribe the following oath or affirmation: I, —, do swear, (or affirm, as the case may be,) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Con-

stitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of —, according to the Constitution and Laws of this State, (and, if a Governor, Senator, Member of the House of Delegates, or Judge), that I will not, directly or indirectly, receive the profits or any part of the profits, of any other office during the term of my acting as —.

Thomas v. Owens, 4 Md. 189. *Archer v. State*, 74 Md. 410 and 443.

SEC. 7. Every person hereafter elected or appointed to office in this State, who shall refuse or neglect to take the oath or affirmation of office provided for in the sixth section of this Article, shall be considered as having refused to accept the said office; and a new election or appointment shall be made, as in case of refusal to accept, or resignation of an office; and any person violating said oath shall, on conviction thereof, in a Court of Law, in addition to the penalties now or hereafter to be imposed by law, be thereafter incapable of holding any office of profit or trust in this State.

Archer v. State, 74 Md. 443.

ARTICLE II.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive power of the State shall be vested in a Governor, whose term of office shall commence on the second Wednesday of January next ensuing his election, and continue for four years, and until his successor shall have qualified; but the Governor chosen at the first election under this Constitution shall not enter upon the discharge of the duties of the office until the expiration of the term for which the present

incumbent was elected; unless the said office shall become vacant by death, resignation, removal from the State, or other disqualification of the said incumbent.

Miles v. Bradford, 22 Md. 183.

SEC. 2. An election for Governor, under this Constitution, shall be held on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven, and on the same day and month in every fourth year thereafter, at the places of voting for delegates to the General Assembly; and every person qualified to vote for Delegates shall be qualified and entitled to vote for Governor; the election to be held in the same manner as the election of Delegates, and the returns thereof under seal to be addressed to the Speaker of the House of Delegates, and enclosed and transmitted to the Secretary of State, and delivered to said Speaker, at the commencement of the session of the General Assembly next ensuing said election.

SEC. 3. The Speaker of the House of Delegates shall then open the said returns in the presence of both Houses; and the person having the highest number of votes, and being constitutionally eligible, shall be the Governor, and shall qualify, in the manner herein prescribed, on the second Wednesday of January next ensuing his election, or as soon thereafter as may be practicable.

SEC. 4. If two or more persons shall have the highest and an equal number of votes for Governor, one of them shall be chosen Governor by the Senate and House of Delegates, and all questions in relation to the eligibility of Governor, and to the returns of said election, and to the number and legality of votes therein given, shall be determined by the House of Delegates; and if the person or persons, having the highest number of votes, be ineli-

gible, the Governor shall be chosen by the Senate and House of Delegates. Every election of Governor by the General Assembly shall be determined by a joint majority of the Senate and House of Delegates, and the vote shall be taken *viva voce*. But if two or more persons shall have the highest and an equal number of votes, then a second vote shall be taken, which shall be confined to the persons having an equal number; and if the vote should again be equal, then the election of Governor shall be determined by lot between those who shall have the highest and an equal number on the first vote.

SEC. 5. A person to be eligible to the office of Governor must have attained the age of thirty years, and must have been for ten years a citizen of the State of Maryland, and for five years next preceding his election a resident of the State, and, at the time of his election, a qualified voter therein.

SEC. 6. In the case of death or resignation of the Governor, or of his removal from the State, or other disqualification, the General Assembly, if in session, or if not; at their next session, shall elect some other qualified person to be Governor for the residue of the term for which the said Governor had been elected.

SEC. 7. In case of any vacancy in the office of Governor, during the recess of the Legislature, the President of the Senate shall discharge the duties of said office, until a Governor is elected, as herein provided for; and in case of the death or resignation of the said President, or of his removal from the State, or of his refusal to serve, then the duties of said office shall, in like manner, and for the same interval, devolve upon the Speaker of the House of Delegates. And the Legislature may provide by law, for the impeachment of the Governor; and in case of his conviction, or his inability, may declare what person shall per-

form the Executive duties; and for any vacancy in said office not herein provided for, provision may be made by Law; and if such vacancy should occur without such provision being made, the Legislature shall be convened by the Secretary of State for the purpose of filling said vacancy.

SEC. 8. The Governor shall be the Commander-in-Chief of the land and naval forces of the State; and may call out the Militia to repel invasions, suppress insurrections, and enforce the execution of the Laws; but shall not take the command in person, without the consent of the Legislature.

SEC. 9. He shall take care that the Laws are faithfully executed.

SEC. 10. He shall nominate, and, by and with the advice and consent of the Senate, appoint all civil and military officers of the State, whose appointment or election is not otherwise herein provided for; unless a different mode of appointment be prescribed by the Law creating the office.

Davis v. State, 7 Md. 151. *Cantwell v. Owens*, 14 Md. 215.

SEC. 11. In case of any vacancy during the recess of the Senate, in any office which the Governor has power to fill, he shall appoint some suitable person to said office, whose commission shall continue in force until the end of the next session of the Legislature, or until some other person is appointed to the same office, whichever shall first occur; and the nomination of the person thus appointed during the recess, or of some other person in his place, shall be made to the Senate within thirty days after the next meeting of the Legislature.

Watkins v. Watkins, 2 Md. 341. *Cantwell v. Owens*, 14 Md. 215. *Smoot v. Somerville*, 59 Md. 84. *Kroh v. Smoot*, 62 Md. 172. *Ash v. McVey*, 85 Md. 119.

SEC. 12. No person, after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at the request of the Senate; or be appointed to the same office during the recess of the Legislature.

Townsend v. Kurtz, 83 Md. 331.

SEC. 13. All civil officers appointed by the Governor and Senate, shall be nominated to the Senate within fifty days from the commencement of each regular session of the Legislature; and their term of office, except in cases otherwise provided for in this Constitution, shall commence on the first Monday of May next ensuing their appointment, and continue for two years, (unless removed from office), and until their successors, respectively, qualify according to Law; but the term of office of the Inspectors of Tobacco shall commence on the first Monday of March next ensuing their appointment.

Dyer v. Bayne, 54 Md. 87. *Smoot v. Somerville*, 59 Md. 84. *Merrill v. School Commrs. Garrett Co.*, 70 Md. 269. *Commrs. Calvert Co. v. Hillen*, 72 Md. 603.

SEC. 14. If a vacancy shall occur, during the session of the Senate, in any office which the Governor and Senate have the power to fill, the Governor shall nominate to the Senate, before its final adjournment, a proper person to fill said vacancy, unless such vacancy occurs within ten days before said final adjournment.

Smoot v. Somerville, 59 Md. 84.

SEC. 15. The Governor may suspend or arrest any military officer of the State for disobedience of orders or other military offence; and may remove him in pursuance of the sentence of a Court Martial; and may remove for incompetency or misconduct, all civil officers who received appointment from the Executive for a term of years.

Cantwell v. Owens, 14 Md. 215. *Harman v. Harwood*, 58 Md. 1. *Townsend v. Kurtz*, 83 Md. 331.

SEC. 16. The Governor shall convene the Legislature, or the Senate alone, on extraordinary occasions; and whenever from the presence of an enemy, or from any other cause, the Seat of Government shall become an unsafe place for the meeting of the Legislature, he may direct their sessions to be held at some other convenient place.

SEC. 17. To guard against hasty or partial legislation and encroachments of the Legislative Department upon the co-ordinate, Executive and Judicial Departments, every Bill which shall have passed the House of Delegates and the Senate shall, before it becomes a law, be presented to the Governor of the State; if he approve he shall sign it, but if not he shall return it with his objections to the House in which it originated, which House shall enter the objections at large on its Journal and proceed to reconsider the Bill; if, after such reconsideration, three-fifths of the members elected to that House shall pass the Bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered, and if it pass by three-fifths of the members elected to that House it shall become a law; but in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the Bill shall be entered on the Journal of each House, respectively. If any Bill shall not be returned by the Governor within six days (Sundays excepted), after it shall have been presented to him, the same shall be a law in like manner as if he signed it, unless the General Assembly shall, by adjournment, prevent its return, in which case it shall not be a law. The Governor shall have power to disapprove of any item or items of any Bills making appropriations of money embracing distinct items, and the part or parts of the Bill approved shall be the law, and the item or items of appropriations disapproved shall be void unless repassed according to the rules or

limitations prescribed for the passage of other Bills over the Executive veto.

Hamilton v. State, 51 Md 28, *Lankford v. Commrs. Somerset Co.* 73 Md. 105, Amendment 1890, c. 194.

SEC. 18. It shall be the duty of the Governor, semi-annually, (and oftener, if he deems it expedient), to examine under oath the Treasurer and Comptroller of the State on all matters pertaining to their respective offices, and inspect and review their bank and other account books.

SEC. 19. He shall, from time to time, inform the Legislature of the condition of the State, and recommend to their consideration such measures as he may judge necessary and expedient.

SEC. 20. He shall have power to grant reprieves and pardons, except in cases of impeachment, and cases in which he is prohibited by other Articles of this Constitution; and to remit fines and forfeitures for offences against the State; but shall not remit the principal or interest of any debt due the State, except in cases of fines or forfeitures; and before granting a *nolle prosequi*, or pardon, he shall give notice, in one or more newspapers, of the application made for it, and of the day on or after which his decision will be given; and in every case in which he exercises his power, he shall report to either Branch of the Legislature, whenever required, the petitions, recommendations and reasons which influenced his decision.

SEC. 21. The Governor shall reside at the seat of government, and receive for his services an annual salary of four thousand five hundred dollars.

SEC. 22. A Secretary of State shall be appointed by the Governor, by and with the advice and consent of the

Senate, who shall continue in office, unless sooner removed by the Governor, till the end of the official term of the Governor from whom he received his appointment, and receive an annual salary of two thousand dollars, and shall reside at the seat of government; and the office of Private Secretary shall thenceforth cease.

SEC. 23. The Secretary of State shall carefully keep and preserve a record of all official acts and proceedings, which may at all times be inspected by a committee of either branch of the Legislature; and he shall perform such other duties as may be prescribed by law, or as may properly belong to his office, together with all clerical duty belonging to the Executive Department.

Lankford v. Commrs. Somerset Co., 73 Md. 105.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislature shall consist of two distinct branches—a Senate and a House of Delegates—and shall be styled the General Assembly of Maryland.

Bradshaw v. Lankford, 73 Md. 428.

SEC. 2. Each County in the State, and each of the three Legislative Districts of Baltimore City, as they are now, or may hereafter be defined, shall be entitled to one Senator, who shall be elected by the qualified voters of the Counties, and of the Legislative Districts of Baltimore City, respectively, and shall serve for four years from the date of his election, subject to the classification of Senators hereafter provided for.

SEC. 3. Until the taking and publishing of the next National Census, or until the enumeration of the popula-

tion of this State, under the authority thereof, the several counties, and the city of Baltimore, shall have a representation in the House of Delegates, as follows: Alleghany County, five delegates; Anne Arundel County, three Delegates; Baltimore County, six delegates; each of the three Legislative Districts of the City of Baltimore, six Delegates; Calvert County, two Delegates; Caroline County, two Delegates; Carroll County, four Delegates; Cecil County, four Delegates; Charles County, two Delegates; Dorchester County, three Delegates; Frederick County, six Delegates; Harford County, four Delegates; Howard County, two Delegates; Kent County, two Delegates; Montgomery County, three Delegates; Prince George's County, three Delegates; Queen Anne's County, two Delegates; St. Mary's County, two Delegates; Somerset County, three Delegates; Talbot County, two Delegates; Washington County, five Delegates, and Worcester County, three Delegates.*

SEC. 4. As soon as may be after the taking and publishing of the next National Census, or after the enumeration of the population of this State, under the authority thereof, there shall be an apportionment of representation in the House of Delegates, to be made on the following basis, to wit: Each of the several Counties of the State having a population of eighteen thousand souls, or less, shall be entitled to two Delegates, and every County having a population of over eighteen thousand, and less than twenty-eight thousand souls, shall be entitled to three Delegates; and every County having a population of twenty-eight thousand, and less than forty thousand souls, shall be entitled to four Delegates; and every

*This representation has been since changed, as follows, viz: Allegany, four Delegates; Anne Arundel, four Delegates; Cecil, three Delegates; Charles, three Delegates; Frederick, five Delegates; Garrett, two Delegates; Queen Anne's, three Delegates; Talbot, three Delegates; Washington, four Delegates; Wicomico, three Delegates. The others are unchanged.

County having a population of forty thousand, and less than fifty-five thousand souls, shall be entitled to five Delegates; and every County having a population of fifty-five thousand souls, and upwards, shall be entitled to six Delegates, and no more; and each of the three Legislative Districts of the City of Baltimore shall be entitled to the number of Delegates to which the largest County shall or may be entitled, under the foregoing apportionment. And the General Assembly shall have power to provide by law, from time to time, for altering and changing the boundaries of the three existing Legislative Districts of the City of Baltimore, so as to make them, as near as may be, of equal population, but said Districts shall always consist of contiguous territory.

SEC. 5. Immediately after the taking and publishing of the next National Census, or after any State enumeration of population, as aforesaid, it shall be the duty of the Governor, then being, to arrange the representation in said House of Delegates in accordance with the apportionment herein provided for; and to declare, by Proclamation, the number of Delegates to which each County and the City of Baltimore may be entitled under such apportionment; and after every National Census taken thereafter, or after any State enumeration of population thereafter made, it shall be the duty of the Governor, for the time being, to make similar adjustment of representation, and to declare the same by Proclamation, as aforesaid.

SEC. 6. The members of the House of Delegates shall be elected by the qualified voters of the Counties, and the Legislative Districts of Baltimore City, respectively, to serve for two years from the day of their election.

SEC. 7. The first election for Senators and Delegates shall take place on the Tuesday next after the first

Monday in the month of November, eighteen hundred and sixty-seven; and the election for Delegates and, as nearly as practicable, for one-half of the Senators, shall be held on the same day, in every second year thereafter.

SEC. 8. Immediately after the Senate shall have convened, after the first election, under this Constitution, the Senators shall be divided by lot into two classes, as nearly equal in number as may be. Senators of the first class shall go out of office at the expiration of two years, and Senators shall be elected on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-nine, for the term of four years, to supply their places; so that, after the first election, one-half of the Senators may be chosen every second year. In case the number of Senators be hereafter increased, such classification of the additional Senators shall be made as to preserve, as nearly as may be, an equal number in each class.

SEC. 9. No person shall be eligible as a Senator or Delegate who, at the time of his election, is not a citizen of the State of Maryland, and who has not resided therein for at least three years next preceding the day of his election, and the last year thereof, in the County, or in the Legislative District of Baltimore City, which he may be chosen to represent, if such County or Legislative District of said City shall have been so long established; and if not, then in the County or City, from which, in whole or in part, the same may have been formed; nor shall any person be eligible as a Senator unless he shall have attained the age of twenty-five years, nor as a Delegate unless he shall have attained the age of twenty-one years, at the time of his election.

SEC. 10. No member of Congress, or person holding any civil or military office under the United States shall

be eligible as a Senator or Delegate; and if any person shall, after his election as Senator or Delegate, be elected to Congress, or be appointed to any office, civil or military, under the Government of the United States, his acceptance thereof shall vacate his seat.

SEC. 11. No Minister or Preacher of the Gospel or of any religious creed or denomination, and no person holding any civil office of profit or trust under this State, except Justices of the Peace, shall be eligible as Senator or Delegate.

SEC. 12. No Collector, Receiver or Holder of public money shall be eligible as Senator or Delegate, or to any office of profit or trust under this State, until he shall have accounted for and paid into the Treasury all sums on the books thereof charged to and due by him.

SEC. 13. In case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county or city for which he shall have been elected, of any person who shall have been chosen as a Delegate or Senator, or in case of a tie between two or more such qualified persons, a warrant of election shall be issued by the Speaker of the House of Delegates, or President of the Senate, as the case may be, for the election of another person in his place, of which election not less than ten days' notice shall be given, exclusive of the day of the publication of the notice and the day of election; and if during the recess of the Legislature, and more than ten days before its termination, such death shall occur, or such resignation, refusal to act or disqualification be communicated in writing to the Governor by the person so resigning, refusing or disqualified, it shall be the duty of the Governor to issue a warrant of election to supply the vacancy thus created, in the same manner the said

Speaker or President might have done during the session of the General Assembly; provided, however, that unless a meeting of the General Assembly may intervene, the election thus ordered to fill such vacancy shall be held on the day of the ensuing election for Delegates and Senators.

SEC. 14. The General Assembly shall meet on the first Wednesday of January, eighteen hundred and sixty-eight, and on the same day in every second year thereafter, and at no other time, unless convened by Proclamation of the Governor.

SEC. 15. The General Assembly may continue its session so long as in its judgment the public interest may require, for a period not longer than ninety days; and each member thereof shall receive a compensation of five dollars per diem for every day he shall attend the session, but not for such days as he may be absent, unless absent on account of sickness or by leave of the House of which he is a member; and he shall also receive such mileage as may be allowed by law, not exceeding twenty cents per mile; and the presiding officer of each House shall receive an additional compensation of three dollars per day. When the General Assembly shall be convened by Proclamation of the Governor, the session shall not continue longer than thirty days, and in such case the compensation shall be the same as herein prescribed.

SEC. 16. No book, or other printed matter, not appertaining to the business of the session, shall be purchased or subscribed for, for the use of the members of the General Assembly, or be distributed among them, at the public expense.

SEC. 17. No Senator or Delegate, after qualifying as such, notwithstanding he may hereafter resign, shall

during the whole period of time for which he was elected, be eligible to any office which shall have been created, or the salary or profits of which shall have been increased, during such term.

SEC. 18. No Senator or Delegate shall be liable in any civil action or criminal prosecution whatever for words spoken in debate.

SEC. 19. Each House shall be judge of the qualifications and elections of its members, as prescribed by the Constitution and Laws of the State; shall appoint its own officers, determine the rules of its own proceedings, punish a member for disorderly or disrespectful behavior, and with the consent of two-thirds of its whole number of members elected, expel a member; but no member shall be expelled a second time for the same offence.

SEC. 20. A majority of the whole number of members elected to each House shall constitute a quorum for the transaction of business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may prescribe.

SEC. 21. The doors of each House and of the Committee of the Whole shall be open, except when the business is such as ought to be kept secret.

SEC. 22. Each House shall keep a Journal of its proceedings and cause the same to be published. The yeas and nays of members on any question shall, at the call of any five of them in the House of Delegates, or one in the Senate, be entered on the Journal.

SEC. 23. Each House may punish by imprisonment, during the session of the General Assembly, any person,

not a member for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings, or any of its officers in the execution of their duties; provided, such imprisonment shall not at any one time, exceed ten days.

SEC. 24. The House of Delegates may inquire, on the oath of witnesses, into all complaints, grievances and offences, as the Grand Inquest of the State, and may commit any person for any crime to the public jail, there to remain until discharged by due course of law. They may examine and pass all accounts of the State, relating either to the collection or expenditure of the revenue, and appoint auditors to state and adjust the same. They may call for all public or official papers and records, and send for persons whom they may judge necessary, in the course of their inquiries, concerning affairs relating to the public interest, and may direct all office bonds which shall be made payable to the State to be sued for any breach thereof; and with the view to the more certain prevention or correction of the abuses in the expenditures of the money of the State, the General Assembly shall create, at every session thereof, a Joint Standing Committee of the Senate and House of Delegates, who shall have power to send for persons and examine them on oath, and call for public or official papers and records; and whose duty it shall be to examine and report upon all contracts made for printing, stationery, and purchases for the public offices and library, and all expenditures therein, and upon all matters of alleged abuse in expenditures, to which their attention may be called by resolution of either House of the General Assembly.

Marshall v Harwood, 7 Md. 466.

SEC. 25. Neither House shall, without the consent of the other, adjourn for more than three days at any one

time, nor adjourn to any other place than that in which the House shall be sitting, without the concurrent vote of two-thirds of the members present.

SEC. 26. The House of Delegates shall have the sole power of impeachment in all cases; but a majority of all the members elected must concur in the impeachment. All impeachments must be tried by the Senate, and when sitting for that purpose, the Senators shall be on oath or affirmation to do justice according to the law and the evidence; but no person shall be convicted without the concurrence of two-thirds of all the Senators elected.

SEC. 27. Any bill may originate in either House of the General Assembly, and be altered, amended, or rejected by the other; but no bill shall originate in either House during the last ten days of the session, unless two-thirds of the members elected thereto shall so determine by yeas and nays; nor shall any bill become a law until it be read on three different days of the session in each House, unless two-thirds of the members elected to the House where such bill is pending shall so determine by yeas and nays; and no bill shall be read a third time until it shall have been actually engrossed for a third reading.

SEC. 28. No bill shall become a law unless it be passed in each House by a majority of the whole number of members elected, and on its final passage the yeas and nays be recorded; nor shall any resolution requiring the action of both Houses be passed except in the same manner.

SEC. 29. The style of all laws of this State shall be, "Be it enacted by the General Assembly of Maryland:" and all laws shall be passed by original bill; and every law enacted by the General Assembly shall embrace but one subject, and that shall be described in its title; and no

law, nor section of law, shall be revived or amended by reference to its title or section only; nor shall any law be construed by reason of its title to grant powers or confer rights which are not expressly contained in the body of the Act; and it shall be the duty of the General Assembly, in amending any article or section of the Code of Laws of this State, to enact the same as the said article or section would read when amended. And whenever the General Assembly shall enact any Public General Law, not amendatory of any section or article in the said Code, it shall be the duty of the General Assembly to enact the same, in articles and sections, in the same manner as the Code is arranged, and to provide for the publication of all additions and alterations which may be made to the said Code.

Davis v. State, 7 Md. 151. *Keller v. State*, 11 Md. 525. *Parkinson v. State*, 14 Md. 184. *The Trustees of Allegany Co. School v. Maffit*, 22 Md. 126. *McPherson v. Leonard*, Comptroller, 29 Md. 377. *Cearfoss v. State*, 42 Md. 403. *McGrath v. State*, 46 Md. 632. *Co. Commrs. of Dorchester Co. v. Meekins*, 50 Md. 28. *Second German-American Bldg. Asso. v. Newman*, 50 Md. 62. *Co. Commrs. of Talbot Co. v. Co. Commrs. of Queen Anne's Co.*, 50 Md. 245. *Mayor, &c., of Balto. v. Reitz*, 50 Md. 574. *State v. Fox*, 51 Md. 411. *Co. Commrs. of Prince George's Co. v. Commrs. of Laurel*, 51 Md. 457. *Mayor, &c., of Balto. v. Stoll*, 52 Md. 435. *Maryland Agricultural College v. Keating*, 58 Md. 580. *Steifel v. Maryland Institution for the Instruction of the Blind*, 61 Md. 144. *Slymer v. State*, 62 Md. 237. *Trustees Catholic, &c., v. Manning*, 70 Md. 269. *State v. Norris*, 70 Md. 91. *Ellicott Co. v. Speed*, 72 Md. 22. *Commrs. Calvert Co. v. Hillen*, 72 Md. 60. *Scharf v. Tasker*, 73 Md. 378. *Lankford v. Commrs. Somerset Co.*, 73 Md. 105. *Gans v. Carter and Aiken Trustees*, 77 Md. 1. *Bond v. State*, 78 Md. 523. *Drennen v. Banks*, 80 Md. 310. *Whitman v. State*, 80 Md. 410. *Mayor & C. Council Balto. v. Keeley Institute*, 81 Md. 106. *State v. Applegarth*, 81 Md. 293. *Garrison v. Hill*, 81 Md. 551. *State v. Schultz Gas. etc.*, 83 Md. 58. *State v. Benzinger*, 83 Md. 481.

SEC. 30. Every bill, when passed by the General Assembly, and sealed with the Great Seal, shall be presented to the Governor, who, if he approves it, shall sign the same in the presence of the presiding officers and chief clerks of the Senate and House of Delegates. Every law shall be recorded in the office of the Court of Appeals, and in due time be printed, published and certified under the

Great Seal, to the several courts, in the same manner as has been heretofore usual in this State.

Parkinson v. State, 14 Md. 184. *Berry v. Balto. & Drum Point R. R. Co.*, 41 Md. 446. *Legg v. Mayor, &c., of Annapolis*, 42 Md. 203. *Hamilton v. State*, 61 Md. 14.

SEC. 31. No law passed by the General Assembly shall take effect until the first day of June next after the session at which it may be passed, unless it be otherwise expressly declared therein.

Parkinson v. State, 14 Md. 184. *Risewick v. Davis*, 19 Md. 96.

SEC. 32. No money shall be drawn from the Treasury of the State by any order or resolution, nor except in accordance with an appropriation by law; and every such law shall distinctly specify the sum appropriated and the object to which it shall be applied; provided, that nothing herein contained shall prevent the General Assembly from placing a contingent fund at the disposal of the Executive, who shall report to the General Assembly at each session the amount expended and the purposes to which it was applied. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws after each regular session of the General Assembly.

Thomas v. Owens, 14 Md. 189. *McPherson v. Leonard*, 29 Md. 377.

SEC. 33. The General Assembly shall not pass local or special laws in any of the following enumerated cases, viz.: For extending the time for the collection of taxes; granting divorces; changing the name of any person; providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees; giving effect to informal or invalid deeds or wills; refunding money paid into the State Treasury, or releasing persons from their debts or obligations to the State, unless recommended by the Governor or officers of the Treasury De-

partment. And the General Assembly shall pass no special law for any case for which provision has been made by an existing general law. The General Assembly, at its first session after the adoption of this Constitution, shall pass general laws providing for the cases enumerated in this section which are not already adequately provided for, and for all other cases where a General Law can be made applicable.

Whittington v. Polk, 1 H. & J. 236. *Horsey v. State*, 3 H. & J. 2. *Gover v. Hall, Exr.*, 3 H. & J. 43. *Partridge v. Dorsey*, 3 H. & J. 302. *Crane v. Meginnis*, 1 G. & J. 463. *Lessee of Dulany, &c., v. Tilghman*, 6 G. & J. 461. *Norris v. Trustees of the Abingdon Academy*, 7 G. & J. 7. *Berrett v. Oliver*, 7 G. & J. 191. *Lawrence v. Hicks*, 8 G. & J. 386. *The Regents of the University of Maryland v. Williams*, 9 G. & J. 365. *Dorsey v. Gilbert*, 11 G. & J. 87. *Cromwell v. State*, 12 G. & J. 257. *Prout v. Berry*, 12 G. & J. 286. *State v. B. & O. R. R. Co.* 12 G. & J. 400. *Campbell's Case*, 2 Bl. 209. *Wright v. Wright's Lessee*, 2 Md. 429. *Rock Hill College v. Jones*, 47 Md. 16. *Pumphrey v. Mayor, &c., of Balto.*, 47 Md. 145. *O'Brien & Co. v. Co. Commrs. of Balto Co.*, 51 Md. 15. *Co. Commrs. of Prince George's Co. v. Co. Commrs. of Laurel*, 51 Md. 457. *Montague, Exr. v. State*, 54 Md. 481. *Hodges v. Balto, Passenger Railway Co.* 58 Md. 603. *Lankford v. Commrs. Somerset Co.*, 73 Md. 105. *Gans v. Garter & Aiken, trustees*, 77 Md. 1. *Revell v. Mayor, etc. of Annapolis*, 81 Md. 1. *Hamilton v. Carroll*, 82 Md. 326.

SEC. 34. No debt shall be hereafter contracted by the General Assembly unless such debt shall be authorized by a Law providing for the collection of an annual tax or taxes sufficient to pay the interest on such debt as it falls due, and also to discharge the principal thereof within fifteen years from the time of contracting the same; and the taxes laid for this purpose shall not be repealed or applied to any other object until the said debt and interest thereon shall be fully discharged. The credit of the State shall not in any manner be given, or loaned to, or in aid of any individual, association or corporation; nor shall the General Assembly have the power in any mode to involve the State in the construction of Works of Internal Improvement, nor in granting any aid thereto, which shall involve the faith or credit of the State; nor make any appropriation therefor, except in aid of the con-

struction of Works of Internal Improvement, in the counties of St. Mary's, Charles and Calvert, which have had no direct advantage from such works as have been heretofore aided by the State; and provided, that such aid, advances or appropriations shall not exceed in the aggregate the sum of five hundred thousand dollars. And they shall not use or appropriate the proceeds of the Internal Improvement Companies, or of the State tax, now levied, or which may hereafter be levied, to pay off the public debt, or to any other purpose until the interest and debt are fully paid, or the sinking fund shall be equal to the amount of the outstanding debt; but the General Assembly, may, without laying a tax, borrow an amount never to exceed fifty thousand dollars to meet temporary deficiencies in the Treasury, and may contract debts to any amount that may be necessary for the defence of the State.

State v. Hendrickson, 15 Md. 205.

SEC. 35. No extra compensation shall be granted or allowed by the General Assembly to any Public Officer, Agent, Servant or Contractor, after the service shall have been rendered, or the contract entered into; nor shall the salary or compensation of any public officer be increased or diminished during his term of office.

SEC. 36. No Lottery grant shall ever hereafter be authorized by the General Assembly.

Lucas v. McBlair, 12 G. & J. 1.

SEC. 37 The General Assembly shall pass no Law providing for payment, by this State, for Slaves emancipated from servitude in this State; but they shall adopt such measures as they may deem expedient to obtain from the United States compensation for such Slaves, and to receive and distribute the same equitably to the persons entitled.

SEC. 38. No person shall be imprisoned for debt.

State v. Mace, 5 Md. 337. *Trail v. Snouffer*, 6 Md. 308.

SEC. 39. The General Assembly shall grant no charter for Banking purposes, nor renew any Banking Corporation now in existence, except upon the condition that the Stockholders shall be liable to the amount of their respective share or shares of stock in such Banking Institution, for all its debts and liabilities upon note, bill or otherwise; the books, papers and accounts of all Banks shall be open to inspection, under such regulations as may be prescribed by Law.

Hammond v. Strauss, 53 Md. 1. *Helfrich v. Catonsville Water Co.*, 74 Md. 269. *O'Brien v. Balto. Belt R. R. Co.*, 74 Md. 363.

SEC. 40. The General Assembly shall enact no Law authorizing private property to be taken for public use, without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid, or tendered to the party entitled to such compensation.

Canal Co. v. Railroad Co., 4 G. & J. 1. *The Tide Water Canal Co. v. Archer*, 9 G. & J. 479. *B. & S. Railroad Co. v. Compton*, 2 Gill, 20. *Alexander v. Mayor, &c., of Balto.*, 5 Gill, 383. *Binney's Case*, 2 Bl. 99. *Waring v. Waring*, 2 Bl. 673. *Hepburn's case*, 3 Bl. 95. *Compton v. The Susquehanna Railroad*, 3 Bl. 386. *Baltimore v. McKim*, 3 Bl. 453. *Hamilton v. Annapolis & Elk Ridge Railroad Co.*, 1 Md. Ch. Dec. 107. *Harness v. Chesapeake & Ohio Canal Co.*, 1 Md. Ch. Dec. 248. *Hamilton v. Annapolis & Elkridge Railroad Co.*, 1 Md. 553. *Hoye v. Swan's Lessee*, 5 Md. 237. *Moale v. Mayor, &c., of Balto.*, 5 Md. 314. *Steuart v. Mayor, &c., of Balto.*, 7 Md. 500. *Graff v. Mayor &c., of Balto.*, 10 Md. 544. *Reddall v. Bryan*, 14 Md. 444. *Western Md. R. R. Co., v. Owings*, 15 Md. 199. *Kane v. Mayor, &c., of Balto.*, 15 Md. 240. *State v. Graves*, 19 Md. 369. *Douglass v. Boonsborough Turnpike R. Co.*, 22 Md. 229. *Western Md. R. R. Co. v. Patterson*, 37 Md. 125. *State v. Consolidation Coal Co.*, 46 Md. 1. *Mayor, &c., of Cumberland v. Wilison*, 50 Md. 138. *P. R. R. Co. v. B. & O. R. R. Co.*, 60 Md. 267. *American Telephone Co. v. Pearce*, 71 Md. 535. *Ulman v. M. & C. C. Balto.*, 72 Md. 587-609. *Balto. Belt Railroad Co. v. Baltzell*, 75 Md. 94. *Helfrick v. Catonsville Water Co.*, 74 Md. 269. *O'Brien v. Balto. Belt R. R. Co.*, 74 Md. 363. *Mayor, &c. Balto. v. Ulman*, 79 Md. 469. *Van Witsen v. Gutman*, 79 Md. 405. *Garrett v. Lake Roland Elevated R. R. Co.*, 79 Md. 277. *Deems v. Mayor and City Council of Balto.*, 80 Md. 164. *Balto. and Eastern Shore R. R. v. Spring*, 80 Md. 510. *Turnpike Road v. R. R. Co.*, 81 Md. 247. *The Mayor & City Council of Balto. et. al., v. The Keeley Institute*, 81 Md., 106. *Baumgardner v. Fowler*, 82 Md. 631.

SEC. 41. Any Citizen of this State who shall, after the adoption of this Constitution, either in or out of this State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as a second, or knowingly aid or assist in any manner those offending, shall ever thereafter be incapable of holding any office of profit or trust under this State, unless relieved from the disability by an Act of the Legislature.

SEC. 42. The General Assembly shall pass Laws necessary for the preservation of the purity of elections.

SEC. 43. The property of the wife shall be protected from the debts of her husband.

Schindel v. Schindel, 12 Md. 294. *Steffey v. Steffey*, 19 Md. 9. *Kennedy v. Lang*, 50 Md. 91. *Clark v. Wooton*, 63 Md. 113.

SEC. 44. Laws shall be passed by the General Assembly, to protect from execution a reasonable amount of the property of the debtor, not exceeding in value, the sum of five hundred dollars.

SEC. 45. The General Assembly shall provide a simple and uniform system of charges in the offices of clerks of Courts, and Registers of Wills, in the Counties of this State, and City of Baltimore, and for the collection thereof; provided, the amount of compensation to any of the said officers, in the various Counties, shall not exceed the sum of three thousand dollars a year, and in the City of Baltimore, thirty-five hundred dollars a year, over and above office expenses, and compensation to assistants; and provided further, that such compensation of Clerks, Registers, assistants and office expenses shall always be paid out of the fees, or receipts of the offices, respectively.

Banks v. State, 60 Md. 305.

SEC. 46. The General Assembly shall have power to receive from the United States, any grant or donation of

land, money, or securities for any purpose designated by the United States, and shall administer, or distribute the same according to the conditions of the said grant.

SEC. 47. The General Assembly shall make provisions for all cases of contested elections of any of the officers, not herein provided for.

State v. Jarrett & Harwood, 17 Md. 309. *Groome v. Gwinn*, 43 Md. 572.

SEC. 48. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes and except in cases where no general Laws exist, providing for the creation of corporations of the same general character as the corporation proposed to be created, and any act of incorporation passed in violation of this section shall be void; all charters granted or adopted in pursuance of this section, and all charters heretofore granted and created subject to repeal or modification, may be altered from time to time, or be repealed; provided, nothing herein contained shall be construed to extend to banks, or the incorporation thereof; the General Assembly shall not alter or amend the charter of any corporation existing at the time of the adoption of this Article, or pass any other general or special Law for the benefit of such corporation, except upon the condition that such corporation shall surrender all claim to exemption from taxation or from the repeal or modification of its charter, and that such corporation shall thereafter hold its charter subject to the provisions of this Constitution; and any corporation chartered by this State which shall accept, use, enjoy or in anywise avail itself of any rights, privileges, or advantages that may hereafter be granted or conferred by any general or special Act, shall be conclusively presumed to have thereby surrendered any exemption from taxation to which it may be entitled under its charter, and shall be thereafter subject to taxation as if no such exemption has been granted by its charter.

New Central Coal Co. v. George's Creek Coal & Iron Co., 37 Md. 537. *Mon tell & Co. v. Consolidated Coal Co.*, 39 Md. 164. *State v. Northern Central R.*

R. Co., 44 Md. 131. *Reed v. Balto. Trust and Guarantee Co.*, 72 Md. 531. Amendment 1890, c. 195. *Jackson v. Walsh*, 75 Md. 304. *Webster v. Cambridge Female Seminary*, 78 Md. 198.

SEC. 49. The General Assembly shall have power to regulate by law, not inconsistent with this Constitution, all matters which relate to the Judges of Election, time, place and manner of holding elections in this State, and of making returns thereof.

Lankford v. Commrs. Somerset Co., 73 Md. 105.

SEC. 50. It shall be the duty of the General Assembly, at its first session, held after the adoption of this Constitution, to provide by Law for the punishment, by fine, or imprisonment in the Penitentiary, or both, in the discretion of the Court, of any person, who shall bribe, or attempt to bribe, any Executive, or Judicial officer of the State of Maryland, or any member, or officer of the General Assembly of the State of Maryland, or of any Municipal Corporation in the State of Maryland, or any Executive officer of such corporation, in order to influence him in the performance of any of his official duties; and, also, to provide by Law for the punishment, by fine, or imprisonment in the Penitentiary, or both, in the discretion of the Court, of any of said officers, or members, who shall demand or receive any bribe, fee, reward or testimonial, for the performance of his official duties, or for neglecting or failing to perform the same; and, also, to provide by Law for compelling any person, so bribing, or attempting to bribe, or so demanding or receiving a bribe, fee, reward or testimonial, to testify against any person or persons who may have committed any of said offences; provided, that any person so compelled to testify, shall be exempted from trial and punishment for the offence, of which he may have been guilty; and any person convicted of such offence, shall, as part of the punishment thereof, be forever disfranchised and disqualified from holding any office of trust or profit in this State.

SEC. 51. The personal property of residents in this State shall be subject to taxation in the county or city where the resident *bona fide* resides for the greater part of the year for which the tax may or shall be levied, and not elsewhere, except goods and chattels permanently located, which shall be taxed in the city or county where they are so located, but the General Assembly may by law provide for the taxation of mortgages upon property in this State and the debts secured thereby in the county or city where such property is situated.

Amendment 1890, c. 426. *Hopkins v. Baker*, 78 Md. 363. *Faust v. Building Association*, 84 Md. 186.

SEC. 52. The General Assembly shall appropriate no money out of the Treasury for payment of any private claim against the State exceeding three hundred dollars, unless said claim shall have been first presented to the Comptroller of the Treasury, together with the proofs upon which the same is founded, and reported upon by him.

SEC. 53. No person shall be incompetent, as a witness, on account of race or color, unless hereafter so declared by Act of the General Assembly.

SEC. 54. No County of this State shall contract any debt, or obligation, in the construction of any Railroad, Canal, or other Work of Internal Improvement, nor give, or loan its credit to, or in aid of any association, or corporation, unless authorized by an Act of the General Assembly, which shall be published for two months before the next election for members of the House of Delegates in the newspapers published in such County, and shall also be approved by a majority of all the members elected to each House of the General Assembly, at its next session after said election.

Baltimore & Drum Point Railroad Company v. Pumphrey, 74 Md. 86. *Baltimore & Eastern Shore R. Co. v. Spring*, 80 Md. 510.

SEC. 55. The General Assembly shall pass no law suspending the privilege of the Writ of *Habeas Corpus*.

SEC. 56. The General Assembly shall have power to pass all such Laws as may be necessary and proper for carrying into execution the powers vested by this Constitution, in any Department or office of the Government, and the duties imposed upon them thereby.

SEC. 57. The Legal rate of Interest shall be *six per cent. per annum*, unless otherwise provided by the General Assembly.

Bandel v. Isaac, 13 Md. 202. *Birmingham v. Md. Land and Perm. Homestead Asso. of Balto. Co.*, 45 Md. 541. *Citizens' Security and Land Co. v. Uhler*, 48 Md. 455.

SEC. 58. The Legislature, at its first session after the ratification of this Constitution, shall provide by Law for State and municipal taxation upon the revenues accruing from business done in the State by all foreign corporations.

SEC. 59. The office of "State Pension Commissioner" is hereby abolished; and the Legislature shall pass no law creating such office, or establishing any general pension system within this State.

ARTICLE IV.

JUDICIARY DEPARTMENT.

Part I.—General Provisions.

SECTION 1. The Judicial power of this State shall be vested in a Court of Appeals, Circuit Courts, Orphans' Courts, such Courts for the City of Baltimore as are hereinafter provided for, and Justices of the Peace; all said Courts shall be courts of Record, and each shall have a seal to be used in the authentication of all process issuing

therefrom. The process and official character of Justices of the Peace shall be authenticated as hath heretofore been practised in this State, or may hereafter be prescribed by Law.

Ex parte O'Neill, 8 Md. 227. *Shafer v. Mumma*, 17 Md. 331.

SEC. 2. The Judges of all of the said Courts shall be citizens of the State of Maryland, and qualified voters under this Constitution, and shall have resided therein not less than five years, and not less than six months next preceding their election or appointment in the judicial circuit, as the case may be, for which they may be respectively elected or appointed. They shall be not less than thirty years of age at the time of their election or appointment, and shall be selected from those who have been admitted to practice Law in this State, and who are most distinguished for integrity, wisdom and sound legal knowledge.

Holt v. Tennallytown, etc., Co., 81 Md. 219.

SEC. 3. The Judges of the said several Courts shall be elected in the Counties by the qualified voters in their respective Judicial Circuits, as hereinafter provided, at the general election to be held on the Tuesday after the first Monday in November next, and in the City of Baltimore, on the fourth Wednesday of October next. Each of the said Judges shall hold his office for the term of fifteen years from the time of his election, and until his successor is elected and qualified, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after; but in case of any Judge who shall attain the age of seventy years whilst in office, such Judge may be continued in office by the General Assembly for such further time as they may think fit, not to exceed the term for which he was elected, by a resolution to be passed at the session

next preceding his attaining said age. In case of the inability of any of said Judges to discharge his duties with efficiency, by reason of continued sickness, or of physical or mental infirmity, it shall be in the power of the General Assembly, two-thirds of the members of each House concurring, with the approval of the Governor, to retire said Judge from office.

SEC. 4. Any Judge shall be removed from office by the Governor, on conviction in a Court of Law, of incompetency, of wilful neglect of duty, misbehavior in office, or any other crime, or on impeachment, according to this Constitution, or the Laws of the State; or on the address of the General Assembly, two-thirds of each House concurring in such address, and the accused having been notified of the charges against him, and having had opportunity of making his defence.

SEC. 5. After the election for Judges, as hereinbefore provided, there shall be held in this State, in every fifteenth year thereafter, on the Tuesday after the first Monday in November of such year, an election for Judges as herein provided; and in case of death, resignation, removal or disqualification by reason of age or otherwise of any Judge, the Governor shall appoint a person duly qualified to fill said office, who shall hold the same until the next General Election for members of the General Assembly, when a successor shall be elected, whose term of office shall be the same as hereinbefore provided, and upon the expiration of the term of fifteen years for which any Judge may be elected to fill a vacancy, an election for his successor shall take place at the next General Election for members of the General Assembly to occur upon or after the expiration of his said term; and the Governor shall appoint a person duly qualified to hold said office from the

expiration of such term of fifteen years until the election and qualification of his successor.*

SEC. 6. All Judges shall, by virtue of their offices, be Conservators of the Peace throughout the State; and no fees, or perquisites, commission, or reward of any kind, shall be allowed to any Judge in this State, besides his annual salary, for the discharge of any Judicial duty.

Ex Parte O'Neill, 8 Md. 227. *Sevins Key v. Wagus*, 76 Md. 335. *State v. Glenn*, 54 Md. 594.

SEC. 7. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him, by affinity or consanguinity, within such degrees as now are or may hereafter be prescribed by Law, or where he shall have been of counsel in the case.

Crawford's Adm'r v. Crawford, 22 Md. 458.

SEC. 8. The parties to any cause may submit the same to the Court for determination, without the aid of a Jury and in all suits or actions at law, issues from the Orphans' Court or from any Court sitting in Equity, and in all cases of presentments or indictments for offences which are or may be punishable by death pending in any of the Courts of Law of this State having jurisdiction thereof, upon suggestion in writing under oath of either of the parties to said proceedings, that such party cannot have a fair and impartial trial in the Court in which the same may be pending, the said Court shall order and direct the Record of Proceedings in such Suit or Action, Issue, Presentment or Indictment, to be transmitted to some other Court having jurisdiction in such case, for trial; but in all other cases of Presentment or Indictment pending in any of the Courts of Law in this State having jurisdiction thereof, in addition to the suggestion in writing of either of the parties to such Presentment or Indictment that such party cannot have a fair and impartial

*Thus amended by Act of 1880, ch. 417, ratified by the people at November election, 1881.

trial in the Court in which the same may be pending, it shall be necessary for the party making such suggestion to make it satisfactorily appear to the Court that such suggestion is true, or that there is reasonable ground for the same; and thereupon the said Court shall order and direct the Record of Proceedings in such Presentment or Indictment to be transmitted to some other Court having jurisdiction in such cases for trial; and such right of removal shall exist upon suggestion in cases when all the Judges of said Court may be disqualified, under the provisions of this Constitution, to sit in any case; and said Court to which the Record of Proceedings in such Suit or Action, Issue, Presentment or Indictment may be so transmitted, shall hear and determine the same in like manner, as if such Suit or Action, Issue, Presentment or Indictment had been originally instituted therein; and the General Assembly shall make such modification of existing law as may be necessary to regulate and give force to this provision.*

State v. Dashiell, 6 H. & J. 270. *Negro Jerry v. Townshend*, 2 Md. 274. *Wright v. Hamner*, 5 Md. 370. *State v. Shillinger*, 6 Md. 449. *Manly v. State*, 7 Md. 135. *Brown v. Gilmore's Ex'rs*, 8 Md. 321. *Hoshall v. Hoffacker*, 11 Md. 362. *Latrobe, Trustee v. Mayor & C. C. of Balto.*, 19 Md. 15. *Griffin v. Leslie*, 20 Md. 18. *Price v. Nesbitt*, 29 Md. 263. *Deford v. State*, use of *Keyser*, 30 Md. 179. *Gambrill v. Parker*, 31 Md. 1. *Cross v. Kent*, 32 Md. 581. *Hall v. Schuchardt*, 34 Md. 15. *Kimball v. Harmam*, 34 Md. 401. *Hoyer v. Colton*, 43 Md. 421. *Geekie v. Harbourd*, 52 Md. 460. *Trahern v. Hamill*, 53 Md. 90. *Desch v. Giese*, 54 Md. 135. *Weiskittle v. State*, use of *Samuel*, 58 Md. 155. *McMillan v. State*, 68 Md. 307. *Belair Club v. State*, 74 Md. 297.

SEC. 9. The Judge or Judges of any Court may appoint such officers for their respective Courts as may be found necessary; and such officers of the Courts in the City of Baltimore shall be appointed by the Judges of the Supreme Bench of Baltimore City: It shall be the duty of the General Assembly to prescribe by law a fixed compensation for all such officers; and said Judge or Judges

*Thus amended by Act of 1874, ch. 364, ratified by the people at November election, 1875.

shall, from time to time, investigate the expenses, costs and charges of their respective Courts, with a view to a change or reduction thereof, and report the result of such investigation to the General Assembly for its action.

SEC. 10. The Clerks of the several Courts created or continued by this Constitution, shall have charge and custody of the records and other papers; shall perform all the duties and be allowed the fees which appertain to their several offices, as the same now are or may hereafter be regulated by law. And the office and business of said Clerks, in all their departments, shall be subject to the visitorial power of the Judges of their respective Courts, who shall exercise the same, from time to time, so as to insure the faithful performance of the duties of said offices; and it shall be the duties of the Judges of said Courts, respectively, to make from time to time, such rules and regulations as may be necessary and proper for the government of said Clerks, and for the performance of the duties of their offices, which shall have the force of law until repealed or modified by the General Assembly.

Peter v. Prettyman, 62 Md. 566.

SEC. 11. The election for Judges hereinbefore provided, and all elections for Clerks, Registers of Wills and other officers provided in this Constitution, except State's Attorneys, shall be certified, and the returns made by the Clerks of the Circuit Courts for the Counties, and the Clerk of the Superior Court of Baltimore City, respectively, to the Governor, who shall issue commissions to the different persons for the offices to which they shall have been, respectively, elected; and in all such elections the person having the greatest number of votes shall be declared to be elected.

Brooke v. Widdicombe, 39 Md. 386. *Groome v. Gwinn*, 43 Md. 572.

SEC. 12. If in any case of election for Judges, Clerks of the Courts of Law, and Registers of Wills, the opposing

candidates shall have an equal number of votes, it shall be the duty of the Governor to order a new election; and in case of any contested election, the Governor shall send the returns to the House of Delegates, which shall judge of the election and qualification of the candidates at such election; and if the judgment shall be against the one who has been returned elected, or the one who has been commissioned by the Governor, the House of Delegates shall order a new election within thirty days.

Brooke v. Widdicombe, 39 Md. 386. *Ijams v. Duvall*, 85 Md. 252.

SEC. 13. All Public Commissions and Grants shall run thus: "The State of Maryland, &c.," and shall be signed by the Governor, with the Seal of the State annexed; all writs and process shall run in the same style, and be tested, sealed and signed, as heretofore, or as may hereafter be provided by law; and all indictments shall conclude, "against the peace, government and dignity of the State."

Part II.—Court of Appeals.

SEC. 14. The Court of Appeals shall be composed of the Chief Judges of the first seven of the several Judicial Circuits of the State and a Judge from the City of Baltimore specially elected thereto, one of whom shall be designated by the Governor, by and with the advice and consent of the Senate, as the Chief Judge; and in all cases, until action by the Senate can be had, the Judge so designated by the Governor shall act as Chief Judge. The Judge of the Court of Appeals from the City of Baltimore shall be elected by the qualified voters of said city at the election of Judges to be held therein, as hereinbefore provided; and in addition to his duties as Judge of the Court of Appeals, shall perform such other duties as the General Assembly shall prescribe. The jurisdiction of said Court of Appeals shall be co-extensive with the limits of the State, and such as now is or may hereafter be prescribed

by Law. It shall hold its sessions in the City of Annapolis, on the second Monday in January,* the first Monday in April and the first Monday in October of each and every year, or at such other times as the General Assembly may by Law direct. Its sessions shall continue not less than ten months in the year, if the business before it shall so require; and it shall be competent for the Judges, temporarily, to transfer their sittings elsewhere, upon sufficient cause.

Van Nostrand v. Carr, 30 Md. 128. *Sevins Key v. Wagus*, 76 Md. 335. *State v. Shields*, 49 Md. 301.

SEC. 15. Four of said Judges shall constitute a quorum; no cause shall be decided without the concurrence of at least three; but the Judge who heard the cause below shall not participate in the decision; in every case an opinion, in writing, shall be filed within three months after the argument or submission of the cause; and the judgment of the court shall be final and conclusive; and all cases shall stand for hearing at the first term after the transmission of the record.

Johns' Exr. v. Johns, 20 Md. 58.

SEC. 16. Provision shall be made by law for publishing reports of all causes argued and determined in the Court of Appeals, which the Judges shall designate as proper for publication.

SEC. 17. There shall be a Clerk of the Court of Appeals, who shall be elected by the legal and qualified voters of the State, who shall hold his office for six years, and until his successor is duly qualified; he shall be subject to removal by the said Court for incompetency, neglect of duty, misdemeanor in office, or such other cause, or causes, as may be prescribed by law; and in case of a vacancy in the office of said Clerk the Court of Appeals shall appoint a Clerk of said Court, who shall hold his office until the

*Thus amended by Act of 1886, ch. 185.

election and qualification of his successor, who shall be elected at the next general election for members of the General Assembly; and the person so elected shall hold his office for the term of six years from the time of election.

SEC. 18. It shall be the duty of the Judges of the Court of Appeals, as soon after their election, under this Constitution, as practicable, to make and publish rules and regulations for the prosecution of appeals to said appellate court, whereby they shall prescribe the periods within which appeals may be taken, what part or parts of the proceedings in the court below shall constitute the record on appeal and the manner in which such appeals shall be brought to hearing or determination, and shall regulate, generally, the practice of said Court of Appeals, so as to prevent delays and promote brevity in all records and proceedings brought into said court, and to abolish and avoid all unnecessary costs and expenses in the prosecution of Appeals therein; and the said Judges shall make such reductions in the fees and expenses of the said court, as they may deem advisable. It shall also be the duty of said Judges of the Court of Appeals, as soon after their election as practicable, to devise, and promulgate by rules, or orders, forms and modes of framing and filing bills, answers and other proceedings and pleadings in Equity; and also forms and modes of taking and obtaining evidence, to be used in Equity cases; and to revise and regulate, generally, the practice in the Courts of Equity of this State, so as to prevent delays, and to promote brevity and conciseness in all pleadings and proceedings therein, and to abolish all unnecessary costs and expenses attending the same. And all rules and regulations hereby directed to be made shall, when made, have the force of Law, until rescinded, changed or modified by the said Judges, or the General Assembly.

B. & O. R. R. Co. *v.* State, use of Miller, 29 Md. 252. Gabelein *v.* Plaenker, 36 Md. 61. Meloy, Trustee, *v.* Squires, 42 Md. 878.

Part III.—Circuit Courts.

SEC. 19. The State shall be divided into eight Judicial Circuits, in manner following, viz: The Counties of Worcester, Somerset, Dorchester and Wicomico,* shall constitute the First Circuit; the Counties of Caroline, Talbot, Queen Anne's, Kent and Cecil, the Second; the Counties of Baltimore and Harford, the Third; the Counties of Allegany, Washington and Garrett,† the Fourth; the Counties of Carroll, Howard and Anne Arundel, the Fifth; the Counties of Montgomery and Frederick, the Sixth; the Counties of Prince George's, Charles, Calvert and St. Mary's, the Seventh, and Baltimore City, the Eighth.

SEC. 20. A Court shall be held in each County of the State, to be styled the Circuit Court for the County in which it may be held. The said Circuit Courts shall have and exercise, in the respective Counties, all the power, authority and jurisdiction, original and appellate, which the present Circuit Courts of this State now have and exercise, or which may hereafter be prescribed by Law.

Truett v. Legg, 32 Md. 147.

SEC. 21. For each of the said Circuits (excepting the Eighth) there shall be a Chief Judge and two Associate Judges, to be styled Judges of the Circuit Court, to be elected or appointed, as herein provided. And no two of said Associate Judges shall at the time of their election, or appointment, or during the term for which they may have been elected, or appointed, reside in the same County. If two or more persons shall be candidates for Associate Judge in the same County, the one only in said County shall be declared elected who has the highest number of votes in the Circuit. In case any two candidates for Associate Judge, residing in the same County,

*Wicomico formed since the adoption of this Constitution.

†Garrett formed since the adoption of this Constitution.

shall have an equal number of votes, greater than any other candidate for Associate Judge in the Circuit, it shall be the duty of the Governor to order a new election for one Associate Judge; but the person residing in any other County of the Circuit, and who has the next highest number of votes, shall be declared elected. The said Judges shall hold not less than two terms of the Circuit Court in each of the Counties, composing their respective Circuits, at such times as are now, or may hereafter be prescribed, to which Jurors shall be summoned; and in those Counties where only two such terms are held, two other and intermediate terms, to which Jurors shall not be summoned; they may alter or fix the times for holding any or all terms until otherwise prescribed, and shall adopt rules to the end that all business not requiring the interposition of a Jury shall be, as far as practicable, disposed of at said intermediate term. One Judge in each of the above Circuits shall constitute a quorum for the transaction of any business; and the said Judges, or any of them, may hold Special Terms of their Courts, whenever in their discretion, the business of the several Counties renders such terms necessary.

Gambrill v. Parker, 31 Md. 1.

SEC. 22. Where any term is held, or trial conducted by less than the whole number of said Circuit Judges, upon the decision or determination of any point or question by the Court, it shall be competent to the party against whom the ruling or decision is made, upon motion, to have the point or question reserved for the consideration of the three Judges of the Circuit, who shall constitute a Court in *banc* for such purpose; and the motion for such reservation shall be entered of record during the sitting at which such decision may be made; and the several Circuit Courts shall regulate, by rules, the mode and manner of presenting such points or questions to the Court in *banc*, and the decision of said Court in *banc*

shall be the effective decision in the premises, and conclusive, as against the party at whose motion said points or questions were reserved; but such decision in *banc* shall not preclude the right of appeal, or writ of error to the adverse party, in those cases, civil or criminal, in which appeal or writ of error to the Court of Appeals may be allowed by law. The right of having questions reserved shall not, however, apply to trials of Appeals from judgments of Justices of the Peace, nor to Criminal cases below the grade of felony, except when the punishment is confinement in the penitentiary; and this section shall be subject to such provisions as may hereafter be made by law.

Shueey *v.* Stoner, 47 Md. 167. Costigin *v.* Bond, 65 Md. 122.

SEC. 23. The Judges of the respective Circuit Courts of this State, and of the Courts of Baltimore City, shall render their decisions in all cases argued before them, or submitted for their judgment, within two months after the same shall have been so argued or submitted.

SEC. 24. The salary of each Chief Judge, and of the Judge of the Court of Appeals from the City of Baltimore shall be three thousand five hundred dollars, and of each Associate Judge of the Circuit Court, shall be two thousand eight hundred dollars per annum, payable quarterly, and shall not be diminished during his continuance in office.

SEC. 25. There shall be a Clerk of the Circuit Court for each County, who shall be elected by a plurality of the qualified voters of said County, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible, subject to be removed for wilful neglect of duty or other misdemeanor in office, on conviction in a Court of Law. In case of a vacancy in the office of Clerk of a Circuit Court,

the Judges of said Court shall have power to fill such vacancy until the general election for Delegates to the General Assembly, to be held next thereafter, when a successor shall be elected for the term of six years.

Dowling *v.* Smith, 9 Md. 242. Stansbury *v.* Middleton, 11 Md. 296.

SEC. 26. The said Clerks shall appoint, subject to the confirmation of the Judges of their respective Courts, as many deputies under them, as the said Judges shall deem necessary to perform, together with themselves, the duties of the said office, who shall be removable by the said Judges for incompetency, or neglect of duty, and whose compensation shall be according to existing or future provisions of the General Assembly.

Part IV.—Courts of Baltimore City.

SEC. 27. There shall be in the Eighth Judicial Circuit, six courts, to be styled the Supreme Bench of Baltimore City, the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Circuit Court of Baltimore City, and the Criminal Court of Baltimore.

SEC. 28. The Superior Court of Baltimore City, the Court of Common Pleas, and the Baltimore City Court shall each have concurrent jurisdiction in all civil common law cases, and concurrently all the jurisdiction which the Superior Court of Baltimore City and the Court of Common Pleas now have, except jurisdiction in Equity, and except in applications for the benefit of the Insolvent Laws of Maryland, and in cases of Appeal from judgments of Justices of the Peace in said city, whether civil or criminal, or arising under the ordinances of the Mayor and City Council of Baltimore, of all of which appeal cases the Baltimore City Court shall have exclusive jurisdiction; and the said Court of Common Pleas shall have

exclusive jurisdiction in all applications for the benefit of the Insolvent Laws of Maryland, and the supervision and control of the Trustees thereof.

State *v.* Mace, 5 Md. 337. Manly *v.* State, 7 Md. 135. Abbott *v.* Gatch, 13 Md. 314. Miller *v.* Barroll, 14 Md. 173. Van Nostrand *v.* Carr, 30 Md. 128. Page *v.* Mayor, &c., of Balto., 34 Md. 558. Rhor *v.* Anderson, 51 Md. 206. Reese *vs.* Hawkes, 63 Md. 130.

SEC. 29. The Circuit Court of Baltimore City shall have exclusive jurisdiction in Equity within the limits of said city, and all such jurisdiction as the present Circuit Court of Baltimore City has; provided, the said Court shall not have jurisdiction in applications for the writ of *habeas corpus* in cases of persons charged with criminal offences.

SEC. 30. The Criminal Court of Baltimore shall have and exercise all the jurisdiction now held and exercised by the Criminal Court of Baltimore, except in such Appeal Cases as are herein assigned to the Baltimore City Court.

SEC. 31. There shall be elected by the legal and qualified voters of said city, at the elections, hereinbefore provided for, one Chief Judge and four Associate Judges, who, together, shall constitute the Supreme Bench of Baltimore City, and shall hold their offices for the term of fifteen years, subject to the provisions of this Constitution with regard to the election and qualifications of Judges, and their removal from office, and shall exercise the jurisdiction, hereinafter specified, and shall each receive an annual salary of three thousand five hundred dollars, payable quarterly, which shall not be diminished during their term of office; but authority is hereby given to the Mayor and City Council of Baltimore to pay to each of the said Judges an annual addition of five hundred dollars to their respective salaries; provided, that the same, being once granted, shall not be diminished, nor increased, during the continuance of said Judge in office.

SEC. 32. It shall be the duty of the said Supreme Bench of Baltimore City, as soon as the Judges thereof shall be elected and duly qualified, and from time to time, to provide for the holding of each of the aforesaid Courts, by the assignment of one or more of their number to each of the said Courts, who may sit either separately or together in the trial of cases; and the said Supreme Bench of Baltimore City may, from time to time, change the said assignment, as circumstances may require, and the public interest may demand; and the Judge or Judges, so assigned to the said several Courts, shall, when holding the same, have all the powers and exercise all the jurisdiction which may belong to the Court so being held; and it shall also be the duty of the said Supreme Bench of Baltimore City, in case of the sickness, absence or disability of any Judge or Judges assigned as aforesaid, to provide for the hearing of the cases, or transaction of the business assigned to said Judge or Judges, as aforesaid, before some one, or more, of the Judges of said court.

SEC. 33. The said Supreme Bench of Baltimore City shall have power, and it shall be its duty, to provide for the holding of as many general terms as the performance of its duties may require, such general terms to be held by not less than three Judges; to make all needful rules and regulations for the conduct of business in each of the said courts during the session thereof, and in vacation, or in Chambers, before any of said Judges;* and shall also have jurisdiction to hear and determine all motions for a new trial in cases tried in the Criminal Court, where such motions arise either on questions of fact, or for misdirection upon any matters of law, and all motions in arrest of judgment, or upon any matters of law determined by the said Judge or Judges, while holding said Criminal Court; and the said Supreme Bench of Baltimore City shall make all needful rules and regulations for the hearing before it of all said matters; and the same right

*Amended by Act of 1870, ch. 177.

of appeal to the Court of Appeals shall be allowed from the determination of the said Court on such matters, as would have been the right of the parties if said matters had been ~~decided~~^{decided} by the Court in which said cases were tried. The Judge before whom any case may hereafter be tried, in either the Baltimore City Court, the Superior Court of Baltimore City or in the Court of Common Pleas, shall have exclusive jurisdiction to hear and determine; and the said Judge shall hear and determine all motions for a new trial when such motions arise, either on questions of fact or for misdirection upon any matters of law; and all motions in arrest of judgment or upon any matters of law determined by the said Judge; and all such motions shall be heard and determined within thirty days after they are heard.

Dykes v. Banks, 31 Md. 239. *Roth v. House of Refuge*, 31 Md. 329. *Merrick, Exr. v. B. & O. R. R. Co.*, 33 Md. 481. *Gibbons, Garn., v. Cherry* 53 Md. 144.

SEC. 34. No appeal shall lie to the Supreme Bench of Baltimore City from the decision of the Judge or the Judges holding the Baltimore City Court in case of appeal from a Justice of the Peace; but the decision by said Judge or Judges shall be final; and all writs and other process issued out of either of said Courts, requiring attestation, shall be attested in the name of the Chief Judge of the said Supreme Bench of Baltimore City.

SEC. 35. Three of the Judges of said Supreme Bench of Baltimore City shall constitute a quorum of said Court.

SEC. 36. All causes depending, at the adoption of this Constitution, in the Superior Court of Baltimore City, the Court of Common Pleas, the Criminal Court of Baltimore, and the Circuit Court of Baltimore City, shall be proceeded in, and prosecuted to final judgment or decree, in the Courts, respectively, of the same name established by this Constitution, except cases belonging to that class,

jurisdiction over which is by this Constitution transferred to the Baltimore City Court, all of which shall, together with all cases now pending in the City Court of Baltimore, be proceeded in and prosecuted to final judgment in said Baltimore City Court.

Orrick v. Boehm, Trustee, 49 Md. 72.

SEC. 37. There shall be a Clerk of each of the said Courts of Baltimore City, except the Supreme Bench, who shall be elected by the legal and qualified voters of said city, at the election to be held in said city on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible thereto, subject to be removed for wilful neglect of duty or other misdemeanor in office, on conviction in a Court of Law. The salary of each of the said Clerks shall be thirty-five hundred dollars a year, payable only out of the fees and receipts collected by the Clerks of said city, and they shall be entitled to no other perquisites or compensation. In case of a vacancy in the office of Clerk of any of said Courts, the judges of said Supreme Bench of Baltimore City shall have power to fill such vacancy until the general election of Delegates to the General Assembly to be held next thereafter, when a Clerk of said Court shall be elected to serve for six years thereafter; and the provisions of this Article in relation to the appointment of Deputies by the Clerks of the Circuit Courts in the counties, shall apply to the Clerks of the Courts in Baltimore City.

SEC. 38. The Clerk of the Court of Common Pleas shall have authority to issue within said city, all marriage and other licenses required by Law, subject to such provisions as are now or may be prescribed by Law. The Clerk of the Superior Court of said city shall receive and record all deeds, conveyances and other papers, which are or may be

required by Law to be recorded in said city. He shall also have custody of all papers connected with the proceedings on the Law or Equity side of Baltimore County Court and of the dockets thereof, so far as the same have relation to the City of Baltimore, and shall also discharge the duties of Clerk to the Supreme Bench of Baltimore City, unless otherwise provided by Law.

*Amendment adopted at the General Election held
November, 1893.*

SEC. 39. The General Assembly shall, as often as it may think the same proper and expedient, provide by Law for the election of an additional Judge of the Supreme Bench of Baltimore City, and whenever provision is so made by the General Assembly, there shall be elected by the voters of said City another Judge of the Supreme Bench of Baltimore City, who shall be subject to the same constitutional provisions, hold his office for the same term of years, receive the same compensation and have the same *powers as are, or shall be provided by the Constitution or Laws of this State, for the Judges of said Supreme Bench of Baltimore City, and the General Assembly may provide by Laws, or the Supreme Bench by its rules, for requiring causes in any of the Courts of Baltimore City to be tried before the court without a jury, unless the litigants or some one of them shall within such reasonable time or times as may be prescribed, elect to have their causes tried before a jury. And the General Assembly may reapportion, change or enlarge the jurisdiction of the several Courts in said city.

See Chapter 313 of Acts of 1892, entitled: An "Act to add an additional section to Article IV, of the Constitution of this State."

Part V.—Orphans' Courts.

SEC. 40. The qualified voters of the City of Baltimore, and of the several counties, shall on the Tuesday next after the first Monday in November next, and on the same

**Vide engrossed bill.*

day in every fourth year thereafter, elect three men to be Judges of the Orphans' Courts of said city and counties, respectively, who shall be citizens of the State, and residents for the twelve months preceding, in the city, or county, for which they may be elected. They shall have all the powers now vested in the Orphans' Courts of the State, subject to such changes as the Legislature may prescribe. Each of said Judges shall be paid a per diem for the time they are actually in session, to be regulated by Law, and to be paid by the said city, or counties, respectively. In case of a vacancy in the office of Judge of the Orphans' Court, the Governor shall appoint, subject to confirmation or rejection by the Senate, some suitable person to fill the same for the residue of the term.

Ijams v. Duvall, 85 Md. 252.

SEC. 41. There shall be a Register of Wills in each county of the State, and the City of Baltimore, to be elected by the legal and qualified voters of said counties and cities, respectively, who shall hold his office for six years from the time of his election, and until his successor is elected and qualified; he shall be re-eligible, and subject at all times to removal for wilful neglect of duty, or misdemeanor in office in the same manner that the Clerks of Courts are removable. In the event of any vacancy in the office of the Register of Wills, said vacancy shall be filled by the Judges of the Orphans' Court, in which such vacancy occurs, until the next general election for Delegates to the General Assembly, when a Register shall be elected to serve for six years thereafter.

Sappington, Adm'r, v. Scott, 14 Md. 40.

Part VI.—Justices of the Peace.

SEC. 42. The Governor, by and with the advice and consent of the Senate, shall appoint such number of Justices of the Peace, and the County Commissioners of the several counties, and the Mayor and City Council of Balti-

more, respectively, shall appoint such number of Constables, for the several Election Districts of the counties and wards of the City of Baltimore, as are now or may hereafter be prescribed by Law; and Justices of the Peace and Constables so appointed shall be subject to removal by the Judge or Judges having criminal jurisdiction in the county or city, for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a Court of Law. The Justices of the Peace and Constables so appointed and commissioned shall be Conservators of the Peace; shall hold their office for two years, and shall have jurisdiction, duties and compensation, subject to such right of appeal in all cases from the judgment of Justices of the Peace, as hath been heretofore exercised, or shall be hereafter prescribed by Law.

State *v.* Mace, 5 Md. 337. Cantwell *v.* Owens, 14 Md. 215. Smith *v.* Thursby, 28 Md. 244.

SEC. 43 In the event of a vacancy in the office of a Justice of the Peace, the Governor shall appoint a person to serve as Justice of the Peace for the residue of the term; and in case of a vacancy in the office of Constable, the County Commissioners of the county in which the vacancy occurs, or the Mayor and City Council of Baltimore, as the case may be, shall appoint a person to serve as Constable for the residue of the term.

Cantwell *v.* Owens, 14 Md. 215. Mayor, etc., of Balto., *v.* Police Com'r of Balto., 15 Md. 376.

Part VII.—Sheriffs.

SEC. 44. There shall be elected in each County, and in the City of Baltimore, in every second year, one person, resident in said County or City, above the age of twenty-five years, and at least five years preceding his election, a citizen of this State, to the office of Sheriff. He shall hold his office for two years, and until his successor is duly elected and qualified; shall be ineligible for two

years thereafter; shall give such bond, exercise such powers, and perform such duties as now are or may hereafter be fixed by law. In case of a vacancy by death, resignation, refusal to serve, or neglect to qualify, or give bond, or by disqualification, or removal from the County or City, the Governor shall appoint a person to be Sheriff for the remainder of the official term.

SEC. 45. Coroners, Elisors and Notaries Public may be appointed for each County and the City of Baltimore, in the manner, for the purpose, and with the powers now fixed, or which may hereafter be prescribed by law.

ARTICLE V.

ATTORNEY-GENERAL AND STATE'S ATTORNEYS.

Attorney General.

SECTION 1. There shall be an Attorney-General elected by the qualified voters of the State, on general ticket, on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-seven, and on the same day in every fourth year thereafter, who shall hold his office for four years from the time of his election and qualification, and until his successor is elected and qualified, and shall be re-eligible thereto, and shall be subject to removal for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a court of law.

Groome v. Gwinn, 43 Md. 572.

SEC. 2. All elections for Attorney-General shall be certified to, and returns made thereof by the Clerks of the Circuit Courts for the several Counties, and the Clerk of the Superior Court of Baltimore City, to the Governor of the State, whose duty it shall be to decide on the election and qualification of the person returned; and in case of a

tie between two or more persons, to designate which of said persons shall qualify as Attorney-General, and to administer the oath of office to the person elected.

Groome v. Gwinn, 43 Md. 572.

SEC. 3. It shall be the duty of the Attorney-General to prosecute and defend on the part of the State all cases, which at the time of his appointment and qualification, and which thereafter may be depending in the Court of Appeals, or in the Supreme Court of the United States by or against the State, or wherein the State may be interested; and he shall give his opinion in writing whenever required by the General Assembly, or either branch thereof, the Governor, the Comptroller, the Treasurer, or any State's Attorney, on any legal matter, or subject depending before them, or either of them; and when required by the Governor, or the General Assembly, he shall aid any State's Attorney in prosecuting any suit or action brought by the State in any Court of this State, and he shall commence and prosecute or defend any suit or action in any of said Courts, on the part of the State, which the General Assembly or the Governor, acting according to law, shall direct to be commenced, prosecuted or defended; and he shall receive for his services an annual salary of three thousand dollars; but he shall not be entitled to receive any fees, perquisites or rewards whatever, in addition to the salary aforesaid, for the performance of any official duty; nor have power to appoint any agent, representative or deputy, under any circumstances whatever; nor shall the Governor employ any additional counsel in any case whatever, unless authorized by the General Assembly.

Mayor, &c., of Balto. v. Gill, 31 Md. 375.

SEC. 4. No person shall be eligible to the office of Attorney-General who is not a citizen of this State, and a qualified voter therein, and has not resided and practised Law in this State for at least ten years.

Groome v. Gwinn, 43 Md. 572.

SEC. 5. In case of vacancy in the office of Attorney-General, occasioned by death, resignation, removal from the State or from office, or other disqualification, the said vacancy shall be filled by the Governor for the residue of the term thus made vacant.

SEC. 6. It shall be the duty of the Clerk of the Court of Appeals and the Commissioner of the Land Office, respectively, whenever a case shall be brought into said court or office, in which the State is a party or has interest, immediately to notify the Attorney-General thereof.

The State's Attorneys.

SEC. 7. There shall be an Attorney for the State in each County and the City of Baltimore, to be styled "The State's Attorney," who shall be elected by the voters thereof, respectively, on the Tuesday next after the first Monday in November, in the year eighteen hundred and sixty-seven, and on the same day every fourth year thereafter; and shall hold his office for four years from the first Monday in January next ensuing his election, and until his successor shall be elected and qualified, and shall be re-eligible thereto and be subject to removal therefrom for incompetency, wilful neglect of duty or misdemeanor in office, on conviction in a Court of Law, or by a vote of two-thirds of the Senate, on the recommendation of the Attorney-General.

SEC. 8. All elections for the State's Attorney shall be certified to and returns made thereof by the Clerks of the said counties and cities to the Judges thereof having criminal jurisdiction, respectively, whose duty it shall be to decide upon the elections and qualifications of the persons returned; and in case of a tie between two or more persons, to designate which of said persons shall qualify as State's Attorney, and to administer the oaths of office to the persons elected.

SEC. 9. The State's Attorney shall perform such duties and receive such fees and commissions as are now or may hereafter be prescribed by Law, and if any State's Attorney shall receive any other fee or reward than such as is or may be allowed by Law, he shall, on conviction thereof, be removed from office; *provided*, that the State's Attorney for Baltimore City shall have power to appoint one Deputy, at a salary of not more than fifteen hundred dollars per annum, to be paid by the State's Attorney out of the fees of his office, as has heretofore been practised.

SEC. 10. No person shall be eligible to the office of State's Attorney who has not been admitted to practice Law in this State, and who has not resided for at least two years in the county or city in which he may be elected.

SEC. 11. In case of vacancy in the office of State's Attorney, or his removal from the county or city in which he shall have been elected, or on his conviction as herein specified, the said vacancy shall be filled by the Judge of the county or city, respectively, having criminal jurisdiction, in which said vacancy shall occur, for the residue of the term thus made vacant.

SEC. 12. The State's Attorney in each county, and the City of Baltimore, shall have authority to collect, and give receipt, in the name of the State, for such sums of money as may be collected by him, and forthwith make return of and pay over the same to the proper accounting officer. And the State's Attorney of each county, and of the City of Baltimore, before he shall enter on the discharge of his duties, shall execute a bond to the State of Maryland, for the faithful performance of his duties, in the penalty of ten thousand dollars, with two or more sureties, to be approved by the Judge of the Court having criminal jurisdiction in said counties or city.

ARTICLE VI.

TREASURY DEPARTMENT.

SECTION 1. There shall be a Treasury Department, consisting of a Comptroller; chosen by the qualified electors of the State, at each regular election of members of the House of Delegates, who shall receive an annual salary of two thousand five hundred dollars; and a Treasurer to be appointed by the two Houses of the Legislature, at each regular session thereof, on joint ballot, who shall receive an annual salary of two thousand five hundred dollars; and the terms of office of the said Comptroller and Treasurer shall be for two years, and until their successors shall qualify; and neither of the said officers shall be allowed, or receive any fees, commissions or perquisites of any kind, in addition to his salary, for the performance of any duty or services whatsoever. In case of a vacancy in either of the offices by death, or otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such vacancy by appointment, to continue until another election, or a choice by the Legislature, as the case may be, and until the qualification of the successor. The Comptroller and the Treasurer shall keep their offices at the seat of Government, and shall take such oath, and enter into such bonds for the faithful discharge of their duties as are now, or may hereafter be, prescribed by law.

Thomas v. Owens, 4 Md. 189. Archer v. State, 74 Md. 410 and 443.

SEC. 2. The Comptroller shall have the general superintendence of the fiscal affairs of the State; he shall digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; prepare and report estimates of the revenue and expenditures of the State; superintend and enforce the prompt collection of all taxes and revenue; adjust and settle, on terms prescribed by law, with delinquent collectors and receivers of taxes and State revenue; preserve all public

accounts; decide on the forms of keeping and stating accounts; grant, under regulations prescribed by Law, all warrants for money to be paid out of the Treasury, in pursuance of appropriations by Law; and countersign all checks drawn by the Treasurer upon any bank or banks, in which the moneys of the State may, from time to time, be deposited; prescribe the formalities of the transfer of stock, or other evidence of the State debt, and countersign the same, without which such evidence shall not be valid; he shall make to the General Assembly full reports of all his proceedings, and of the state of the treasury department, within ten days after the commencement of each Session; and perform such other duties as shall be prescribed by Law.

Billingsley v. State, 14 Md. 369.

SEC. 3. The Treasurer shall receive the moneys of the State, and, until otherwise prescribed by law, deposit them, as soon as received, to the credit of the State, in such bank or banks as he may, from time to time, with the approval of the Governor, select (the said bank or banks giving security, satisfactory to the Governor, for the safe keeping and forthcoming, when required, of said deposits), and shall disburse the same for the purposes of the State, according to law, upon warrants, drawn by the Comptroller; and on checks countersigned by him, and not otherwise; he shall take receipts for all moneys paid by him; and receipts for moneys received by him shall be endorsed upon warrants signed by the Comptroller; without which warrants, so signed, no acknowledgments of money received into the treasury shall be valid; and upon warrants, issued by the Comptroller, he shall make arrangements for the payment of the interest of the public debt, and for the purchase thereof on account of the sinking fund. Every bond, certificate, or other evidence of the debt of the State, shall be signed by the Treasurer and countersigned by the Comptroller; and no new certificate or other evidence in-

tended to replace another, shall be issued until the old one shall be delivered to the Treasurer, and authority executed in due form for the transfer of the same filed in his office, and the transfer accordingly made on the books thereof, and the certificate or other evidence cancelled; but the Legislature may make provisions for the loss of certificates, or other evidences of the debt; and may prescribe by Law, the manner in which the Treasurer shall receive and keep the moneys of the State.

SEC. 4. The Treasurer shall render his accounts quarterly to the Comptroller, and shall publish monthly, in such newspapers as the Governor may direct, an abstract thereof, showing the amount of cash on hand, and the place or places of deposit thereof; and on the third day of each regular session of the Legislature he shall submit to the Senate and House of Delegates fair and accurate copies of all accounts by him, from time to time, rendered and settled with the Comptroller. He shall at all times submit to the Comptroller the inspection of the money in his hands, and perform all other duties that shall be prescribed by Law.

SEC. 5. The Comptroller shall qualify and enter on the duties of his office on the third Monday of January next succeeding the time of his election, or as soon thereafter as practicable. And the Treasurer shall qualify within one month after his appointment by the Legislature.

Archer v. State, 74 Md. 443.

SEC. 6. Whenever during the recess of the Legislature charges shall be preferred to the Governor against the Comptroller or Treasurer for incompetency, malfeasance in office, wilful neglect of duty, or misappropriation of the funds of the State, it shall be the duty of the Governor forthwith to notify the party so charged and fix a day for a hearing of said charges; and if from the evidence taken,

under oath, on said hearing before the Governor, the said allegations shall be sustained, it shall be the duty of the Governor to remove said offending officer and appoint another in his place, who shall hold the office for the unexpired term of the officer so removed.

ARTICLE VII.

SUNDRY OFFICERS.

*County Commissioners—Surveyor—State Librarian—
Commissioner of the Land Office—Wreck Master.*

SECTION 1. County Commissioners shall be elected on general ticket of each county by the qualified voters of the several counties of the State, on the Tuesday next after the first Monday in the month of November, commencing in the year eighteen hundred and ninety-one; their number in each county, their compensation, powers and duties shall be such as now or may be hereafter prescribed by law, they shall be elected at such times, in such numbers and for such periods not exceeding six years, as may be prescribed by law.*

Com'rs of Washington County *v.* Nesbit, 6 Md. 468. Com'rs of Public Schools *v.* County Com'rs of Allegany Co., 20 Md. 459.

SEC. 2. The qualified voters of each County and of the City of Baltimore shall on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-seven, and on the same day in every second year thereafter, elect a Surveyor for each County and the City of Baltimore, respectively; whose term of office shall commence on the first Monday of January next ensuing their election, and whose duties and compensation shall be the same as are now or may hereafter be prescribed by Law. And any vacancy in the office of

* Thus amended by Act 1890, chapter 255, and adopted by vote of people, November 3, 1890.

Surveyor shall be filled by the Commissioners of the Counties, or by the Mayor and City Council of Baltimore, respectively, for the residue of the term.

SEC. 3. The State Librarian shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office during the term of the Governor, by whom he shall have been appointed, and until his successor shall be appointed and qualified. His salary shall be fifteen hundred dollars a year; and he shall perform such duties as are now, or may hereafter be prescribed by Law; and no appropriation shall be made by Law to pay for any clerk, or assistant to the Librarian. And it shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to pass a Law regulating the mode and manner in which the books in the Library shall be kept and accounted for by the Librarian, and requiring the Librarian to give a bond, in such penalty as the Legislature may prescribe, for the proper discharge of his duties.

Marshall v. Harwood, 5 Md. 423. *Silver v. Magruder*, 32 Md. 387.

SEC. 4. There shall be a Commissioner of the Land Office, who shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold his office during the term of the Governor, by whom he shall have been appointed, and until his successor shall be appointed and qualified. He shall perform such duties as are now required of the Commissioner of the Land Office, or such as may hereafter be prescribed by Law, and shall also be the Keeper of the Chancery Records. He shall receive a salary of one thousand five hundred dollars per annum, to be paid out of the treasury, and shall charge such fees as are now, or may be hereafter fixed by Law. He shall make a semi-annual report of all the fees of his office, both as Commissioner of the Land Office, and as Keeper of the Chancery Records; to the Comptroller of

the Treasury, and shall pay the same semi-annually into the treasury.

SEC. 5. The Commissioner of the Land Office shall also, without additional compensation, collect, arrange, classify, have charge of, and safely keep all papers, records, relics, and other memorials connected with the early history of Maryland, not belonging to any other office.

SEC. 6. The qualified voters of Worcester County shall on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-seven, and every two years thereafter, elect a Wreck-Master for said County, whose duties and compensation shall be the same as are now prescribed by law; the term of office of said Wreck-Master shall commence on the first Monday of January next succeeding his election, and a vacancy in said office shall be filled by the County Commissioners of said County for the residue of the term.

ARTICLE VIII.

EDUCATION.

SECTION 1. The General Assembly, at its first session after the adoption of this Constitution, shall by law, establish throughout the State a thorough and efficient system of free Public Schools; and shall provide by taxation, or otherwise, for their maintenance.

SEC. 2. The system of Public Schools, as now constituted, shall remain in force until the end of the said first session of the General Assembly, and shall then expire; except so far as adopted or continued by the General Assembly.

SEC. 3. The School Fund of the State shall be kept inviolate, and appropriated only to the purposes of education.

ARTICLE IX.

MILITIA AND MILITARY AFFAIRS.

SECTION 1. The General Assembly shall make, from time to time, such provisions for organizing, equipping and disciplining the Militia, as the exigency may require, and pass such Laws to promote Volunteer Militia Organizations as may afford them effectual encouragement.

SEC. 2. There shall be an Adjutant-General appointed by the Governor, by and with the advice and consent of the Senate. He shall hold his office until the appointment and qualification of his successor, or until removed in pursuance of the sentence of a court-martial. He shall perform such duties and receive such compensation or emoluments as are now or may be prescribed by law. He shall discharge the duties of his office at the seat of government, unless absent, under orders, on duty; and no other officer of the General Staff of the Militia shall receive salary or pay, except when on service and mustered in with troops.

Watkins v. Watkins, 2 Md. 341. *McBlair v. Bond*, 41 Md. 137.

SEC. 3. The existing Militia Law of the State shall expire at the end of the next session of the General Assembly, except so far as it may be re-enacted, subject to the provisions of this Article.

ARTICLE X.

LABOR AND AGRICULTURE.

SECTION 1. There shall be a Superintendent of Labor and Agriculture, elected by the qualified voters of this State at the first General election for Delegates to the General Assembly after the adoption of this Constitution, who shall hold his office for the term of four years, and until the election and qualification of his successor.

SEC. 2. His qualifications shall be the same as those prescribed for the Comptroller; he shall qualify and enter upon the duties of his office on the second Monday of January next succeeding the time of his election; and a vacancy in the office shall be filled by the Governor for the residue of the term.

SEC. 3. He shall perform such of the duties now devolved by Law upon the Commissioner of Immigration, and the Immigration Agent, as will promote the object for which those officers were appointed, and such other duties as may be assigned to him by the General Assembly, and shall receive a salary of twenty-five hundred dollars a year; and after his election and qualification, the offices before mentioned shall cease.

SEC. 4. He shall supervise all the State Inspectors of agricultural products and fertilizers; and from time to time shall carefully examine and audit their accounts, and prescribe regulations not inconsistent with Law, tending to secure economy and efficiency in the business of their offices. He shall have the supervision of the Tobacco Warehouses, and all other buildings used for inspection and storage purposes by the State; and may, at the discretion of the Legislature, have the supervision of all public buildings now belonging to, or which may hereafter be erected by the State. He shall frequently inspect such buildings as are committed to his charge, and examine all accounts for labor and materials required for their construction or repairs.

SEC. 5 He shall inquire into the undeveloped resources of wealth of the State of Maryland more especially concerning those within the limits of the Chesapeake Bay and its tributaries which belong to the State, and suggest such plans as may be calculated to render them available as sources of revenue.

SEC. 6. He shall make detailed reports to every General Assembly within the first week of its session, in reference

to each of the subjects committed to his charge, and he shall also report to the Governor, in the recess of the Legislature, all abuses or irregularities, which he may find to exist in any department of public affairs with which his office is connected.

SEC. 7. The office hereby established shall continue for four years from the date of the qualification of the first incumbent thereof, and shall then expire, unless continued by the General Assembly.

ARTICLE XI.

CITY OF BALTIMORE.

SECTION 1. The Inhabitants of the City of Baltimore, qualified by Law to vote in said city for members of the House of Delegates, shall on the Tuesday after the first Monday of November, eighteen hundred and eighty-nine, and on the same day in every second year thereafter, elect a person to be Mayor of the City of Baltimore, who shall have such qualifications, receive such compensation, discharge such duties, and have such powers as are now, or may hereafter be prescribed by Law; and the term of whose office shall commence on the first Monday of November succeeding his election, and shall continue for two years, and until his successor shall have qualified.*

SEC. 2. The City Council of Baltimore shall consist of Two Branches, one of which shall be called the First Branch, and the other the Second Branch, and each shall consist of such number of members, having such qualification, receiving such compensation, performing such duties, possessing such powers, holding such terms of office, and elected in such manner, as are now, or may hereafter be prescribed by Law.

*Amended successively by the Act of 1870, ch. 116, and 1888, ch. 397.

SEC. 3. An election for members of the First Branch of the City Council of Baltimore shall be held in the City of Baltimore on the Tuesday after the first Monday of November in every year; and for members of the Second Branch on the Tuesday after the first Monday of November, eighteen hundred and eighty-nine, and on the same day in every second year thereafter; and the qualification for electors of the members of the City Council shall be the same as those prescribed for the electors of Mayor.*

SEC. 4. The regular sessions of the City Council of Baltimore, (which shall be annual), shall commence on the third Monday of January of each year, and shall not continue more than ninety days, exclusive of Sundays; but the Mayor may convene the City Council in extra session whenever and as often as it may appear to him that the public good may require, but no called or extra session shall last longer than twenty days, exclusive of Sundays.

SEC. 5. No person elected and qualified as Mayor, or as a member of the City Council, shall, during the term for which he was elected, hold any other office of profit or trust, created, or to be created, by the Mayor and City Council of Baltimore, or by any Law relating to the Corporation of Baltimore, or hold any employment or position, the compensation of which shall be paid, directly or indirectly, out of the City Treasury; nor shall any such person be interested, directly, or indirectly, in any contract, to which the City is a party; nor shall it be lawful for any person holding any office under the City, to be interested, while holding such office, in any contract, to which the City is a party.

SEC. 6. The Mayor shall, on conviction in a Court of Law, of wilful neglect of duty, or misbehavior in office, be removed from office by the Governor of the State, and a successor shall thereafter be elected, as in a case of vacancy.

*As amended by the Act of 1888, ch. 397.

SEC. 7. From and after the adoption of this Constitution, no debt (except as hereinafter excepted), shall be created by the Mayor and City Council of Baltimore; nor shall the credit of the Mayor and City Council of Baltimore be given or loaned to, or in aid of any individual, association, or corporation; nor shall the Mayor and City Council of Baltimore have the power to involve the City of Baltimore in the construction of works of internal improvement, nor in granting any aid thereto, which shall involve the faith and credit of the City, nor make any appropriation therefor, unless such debt or credit be authorized by an act of the General Assembly of Maryland, and by an Ordinance of the Mayor and City Council of Baltimore, submitted to the legal voters of the City of Baltimore at such time and place as may be fixed by said Ordinance, and approved by a majority of the votes cast at such time and place, but the Mayor and City Council may, temporarily, borrow any amount of money to meet any deficiency in the City Treasury, or to provide for any emergency arising from the necessity of maintaining the police, or preserving the safety and sanitary condition of the City, and may make due and proper arrangements and agreements for the removal and extension, in whole or in part, of any and all debts and obligations, created according to Law before the adoption of this Constitution.

Mayor, etc., of Balto., *v. Gill*, 31 Md. 375. *Pumphrey v. Mayor, etc., of Balto.*, 47 Md. 153.

SEC. 8. All Laws and Ordinances now in force applicable to the City of Baltimore, not inconsistent with this Article, shall be, and they are hereby continued until changed in due course of Law.

Hooper v. New, 85 Md. 565.

SEC. 9. The General Assembly may make such changes in this Article, except in section seventh thereof, as it may deem best; and this Article shall not be so con-

strued or taken as to make the political corporation of Baltimore independent of, or free from the control which the General Assembly of Maryland has over all such Corporations in this State.

Pumphrey v. Mayor, etc., of Balto., 47 Md. 145.

ARTICLE XII.

PUBLIC WORKS.

SECTION 1. The Governor, the Comptroller of the Treasury and the Treasurer, shall constitute the Board of Public Works in this State. They shall keep a journal of their proceedings, and shall hold regular sessions in the City of Annapolis, on the first Wednesday in January, April, July and October, in each year, and oftener if necessary; at which sessions they shall hear and determine such matters as affect the Public Works of the State, and as the General Assembly may confer upon them the power to decide.

SEC. 2. They shall exercise a diligent and faithful supervision of all Public Works in which the State may be interested as Stockholder or Creditor, and shall represent and vote the stock of the State of Maryland in all meetings of the stockholders of the Chesapeake and Ohio Canal; and shall appoint the Directors in every Railroad and Canal Company in which the State has the legal power to appoint Directors, which said Directors shall represent the State in all meetings of the Stockholders of the respective Companies for which they are appointed or elected. And the President and Directors of the said Chesapeake and Ohio Canal Company shall so regulate the tolls of said Company from time to time, as to produce the largest amount of revenue, and to avoid the injurious effects to said Company of rival competition by other Internal Improvement Companies. They shall require

the Directors of all said Public Works to guard the public interest and prevent the establishment of tolls which shall discriminate against the interest of the citizens or products of this State, and from time to time, and as often as there shall be any change in the rates of toll on any of the said Works, to furnish the said Board of Public Works a schedule of such modified rates of toll, and so adjust them as to promote the agricultural interests of the State; they shall report to the General Assembly at each regular session and recommend such legislation as they may deem necessary and requisite to promote or protect the interests of the State in the said Public Works; they shall perform such other duties as may be hereafter prescribed by Law; and a majority of them shall be competent to act. The Governor, Comptroller and Treasurer shall receive no additional salary for services rendered by them as members of the Board of Public Works. The provisions of the Act of the General Assembly of Maryland of the year 1867, chapter 359, are hereby declared null and void.

SEC. 3. [2.] The Board of Public Works is hereby authorized, subject to such regulations and conditions as the General Assembly may from time to time prescribe, to sell the State's interest in all works of internal improvement, whether as a stockholder or a creditor, and also the State's interest in any banking corporation, receiving in payment the bonds and registered debt now owing by the State, equal in amount to the price obtained for the State's said interest.*

ARTICLE XIII.

NEW COUNTIES.

SECTION 1. The General Assembly may provide, by Law for organizing new Counties, locating and removing county seats, and changing county lines; but no new county shall

*Thus amended by Act 1890, ch. 462, and ratified by the people, November 3, 1891.

be organized without the consent of the majority of the legal voters residing within the limits proposed to be formed into said new county; and whenever a new county shall be proposed to be formed out of portions of two or more counties, the consent of a majority of the legal voters of such part of each of said counties, respectively, shall be required; nor shall the lines of any county be changed without the consent of a majority of the legal voters residing within the district, which, under said proposed change, would form a part of a county different from that to which it belonged prior to said change; and no new county shall contain less than four hundred square miles, nor less than ten thousand white inhabitants; nor shall any change be made in the limits of any county, whereby the population of said county would be reduced to less than ten thousand white inhabitants, or its territory reduced to less than four hundred square miles.

State v. Manly, 1 Md. 139. *Eichelberger v. Hardesty*, 15 Md. 549. *School Comm'rs of Wicomico Co. v. School Comm'rs of Worcester Co.*, 35 Md. 201. *Daly v. Morgan*, 69 Md. 460.

SEC. 2. At the election to be held for the adoption or rejection of this Constitution, in each election district, in those parts of Worcester and Somerset Counties, comprised within the following limits, viz.: Beginning at the point, where Mason and Dixon's lines crosses the channel of Pocomoke River, thence following said line to the channel of the Nanticoke River, thence with the channel of said river to Tangier Sound, or the intersection of Nanticoke and Wicomico Rivers, thence up the channel of the Wicomico River to the mouth of Wicomico Creek, thence with the channel of said creek and Passerdyke Creek to Dashield's or Disharoon's Mills, thence with the mill-pond of said mills and branch following the middle prong of said branch, to Meadow Bridge, on the road, dividing the Counties of Somerset and Worcester, near the southwest corner of farm of William P. Morris, thence due east to

the Pocomoke River, thence with the channel of said river to the beginning, the Judges of Election, in each of said districts, shall receive the ballots of each elector, voting at said election, who has resided for six months preceding said election within said limits, for or against a new County; and the Return Judges of said election districts shall certify the result of such voting, in the manner, now prescribed by Law, to the Governor, who shall by proclamation make known the same; and if a majority of the legal votes cast within that part of Worcester County, contained within said lines, and also a majority of the legal votes cast within that part of Somerset County, contained within said line, shall be in favor of a new County, then said parts of Worcester and Somerset Counties shall become and constitute a new County, to be called Wicomico County; and Salisbury shall be the County seat. And the inhabitants thereof shall thenceforth have and enjoy all such rights and privileges as are held and enjoyed by the inhabitants of the other Counties of this State.

SEC. 3. When said new County shall have been so created, the inhabitants thereof shall cease to have any claim to, or interest in, the county buildings, and other public property of every description, belonging to said Counties of Somerset and Worcester, respectively, and shall be liable for their proportionate shares of the then existing debts and obligations of the said Counties, according to the last assessment in said Counties, to be ascertained and apportioned by the Circuit Court for Somerset County, as to the debts and obligations of said County, and by the Circuit Court for Worcester County, on the debts and obligations of Worcester County, on the petition of the County Commissioners of the said Counties, respectively; and the property in each part of the said Counties, included in said new County, shall be bound only for the share of the debts and obligations of the county from

which it shall be separated; and the inhabitants of said new county shall also pay the County taxes levied upon them at the time of the creation of such new county, as if such new County had not been created; and on the application of twelve citizens of the proposed County of Wicomico, the Surveyor of Worcester County shall run and locate the line from Meadow Bridge to the Pocomoke River, previous to the adoption or rejection of this Constitution, and at the expense of said petitioners.

SEC. 4. At the first general election, held under this Constitution, the qualified voters of said new County shall be entitled to elect a Senator and two Delegates to the General Assembly and all such County or other officers as this Constitution may authorize, or require to be elected by other Counties of the State; a notice of such election shall be given by the sheriffs of Worcester and Somerset Counties in the manner now prescribed by Law; and in case said new County shall be established, as aforesaid, then the Counties of Somerset and Worcester shall be entitled to elect but two Delegates each to the General Assembly.

SEC. 5. The County of Wicomico, if formed according to the provisions of this Constitution, shall be embraced in the First Judicial Circuit; and the times for holding the Courts therein shall be fixed and determined by the General Assembly.

SEC. 6. The General Assembly shall pass all such Laws as may be necessary more fully to carry into effect the provisions of this Article.

ARTICLE XIV.

AMENDMENTS TO THE CONSTITUTION.

SECTION 1. The General Assembly may propose Amendments to this Constitution; provided, that each

Amendment shall be embraced in a separate Bill, embodying the Article or Section, as the same will stand when amended and passed by three-fifths of all the members elected to each of the two Houses, by yeas and nays, to be entered on the Journals with the proposed Amendment. The Bill or Bills proposing amendment or amendments shall be published, by order of the Governor, in at least two newspapers in each county, where so many may be published, and where not more than one may be published, then in that newspaper, and in three newspapers published in the City of Baltimore, one of which shall be in the German language, once a week for at least three months preceding the next ensuing general election, at which the proposed amendment or amendments shall be submitted, in a form to be prescribed by the General Assembly, to the qualified voters of the State for adoption or rejection. The votes cast for and against said proposed amendment or amendments, severally, shall be returned to the Governor, in the manner prescribed in other cases, and if it shall appear to the Governor that a majority of the votes cast at said election on said amendment or amendments, severally, were cast in favor thereof, the Governor shall, by his proclamation, declare the said amendment or amendments, having received said majority of votes, to have been adopted by the people of Maryland as part of the Constitution thereof, and thenceforth said amendment or amendments shall be part of the said Constitution. When two or more amendments shall be submitted, in manner aforeseid, to the voters of this State at the same election, they shall be so submitted as that each amendment shall be voted on separately.

Worman et al. v. Hagan et al., 78 Md. 152.

SEC. 2. It shall be the duty of the General Assembly to provide by Law for taking, at the general election to be held in the year eighteen hundred and eighty-seven, and every twenty years thereafter, the sense of the people in

regard to calling a convention for altering this Constitution; and if a majority of voters at such election or elections shall vote for a convention, the General Assembly at its next session shall provide by Law for the assembling of such convention, and for the election of Delegates thereto. Each County and Legislative District of the City of Baltimore shall have in such convention a number of Delegates equal to its representation in both Houses at the time at which the convention is called. But any Constitution, or change, or amendment of the existing Constitution, which may be adopted by such convention, shall be submitted to the voters of this State, and shall have no effect unless the same shall have been adopted by a majority of the voters voting thereon.

ARTICLE XV.

MISCELLANEOUS.

SECTION 1. Every person holding any office created by, or existing under the Constitution, or Laws of the State, (except Justices of the Peace, Constables and Coroners), or holding any appointment under any Court of this State, whose pay or compensation is derived from fees, or moneys coming into his hands for the discharge of his official duties, or in any way growing out of or connected with his office, shall keep a book in which shall be entered every sum or sums of money received by him, or on his account, as a payment or compensation for his performance of official duties, a copy of which entries in said book, verified by the oath of the officer by whom it is directed to be kept, shall be returned yearly to the Comptroller of the State for his inspection, and that of the General Assembly of the State, to which the Comptroller shall, at each regular session thereof, make a report showing what officers have complied with this section; and each of the

said officers, when the amount received by him for the year shall exceed the sum which he is by Law entitled to retain as his salary or compensation for the discharge of his duties, and for the expenses of his office, shall yearly pay over to the Treasurer of the State the amount of such excess, subject to such disposition thereof as the General Assembly may direct; if any of such officers shall fail to comply with the requisitions of this section for the period of thirty days after the expiration of each and every year of his office, such officer shall be deemed to have vacated his office, and the Governor shall declare the same vacant, and the vacancy therein shall be filled as in case of vacancy for any other cause, and such officer shall be subject to suit by the State for the amount that ought to be paid into the treasury; and no person holding any office created by or existing under this Constitution or Laws of the State, or holding any appointment under any Court in this State, shall receive more than three thousand dollars a year as a compensation for the discharge of his official duties, except in cases specially provided in this Constitution.

Banks v. State, 60 Md. 305.

SEC. 2. The several Courts existing in this State at the time of the adoption of this Constitution, shall, until superseded under its provisions, continue with like powers and jurisdiction, and in the exercise thereof, both at Law and in Equity, in all respects, as if this Constitution had not been adopted; and when said Courts shall be so superseded, all causes then depending in said Courts shall pass into the jurisdiction of several Courts, by which they may be respectively superseded.

SEC. 3. The Governor and all officers, civil and military, now holding office under this State, whether by election or appointment, shall continue to hold, exercise and discharge the duties of their offices (unless incon-

sistent with or otherwise provided in this Constitution), until they shall be superseded under its provisions, and until their successors shall be duly qualified.

Smith & Davis v. Thursby, 28 Md. 244.

SEC. 4. If at any election directed by this Constitution, any two or more candidates shall have the highest and an equal number of votes, a new election shall be ordered by the Governor, except in cases specially provided by this Constitution.

SEC. 5. In the trial of all criminal cases, the jury shall be the Judges of Law, as well as of fact.

Franklin v. State, 12 Md. 236. *Phipps v. State*, 22 Md. 386. *League v. State*, 36 Md. 257. *Wheeler v. State*, 42 Md. 563. *Broll v. State*, 45 Md. 356. *Beard v. State*, 71 Md. 275.

SEC. 6. The right of trial by Jury of all issues of fact in civil proceedings in the several Courts of Law in this State; where the amount in controversy exceeds the sum of five dollars, shall be inviolably preserved.

Gittings v. State, 33 Md. 458. *Capron v. Devries*, 83 Md. 220.

SEC. 7. All general elections in this State shall be held on the Tuesday next after the first Monday in the month of November, in the year in which they shall occur; and the first election of all officers, who, under this Constitution, are required to be elected by the people, shall, except in cases herein specially provided for, be held on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven.

SEC. 8. The Sheriffs of the several Counties of this State, and of the City of Baltimore, shall give notice of the several elections authorized by this Constitution, in the manner prescribed by existing Laws for elections to be held in this State, until said Laws shall be changed.

SEC. 9. The Term of office of all Judges and other officers, for whose election provision is made by this Con-

stitution, shall, except in cases otherwise expressly provided herein, commence from the time of their election; and all such other officers shall qualify as soon after their election as practicable, and shall enter upon the duties of their respective offices immediately upon their qualification; and the term of office of the State Librarian and of Commissioner of the Land Office shall commence from the time of their appointment.

SEC. 10. Any officer elected or appointed in pursuance of the provisions of this Constitution, may qualify, either according to the existing provisions of Law, in relation to officers under the present Constitution, or before the Governor of the State, or before any Clerk of any Court of Record in any part of the State; but in case an officer shall qualify out of the County in which he resides, an official copy of his oath shall be filed and recorded in the Clerk's office of the Circuit County for the County in which he may reside, or in the Clerk's office of the Superior Court of the City of Baltimore, if he shall reside therein.

VOTE ON THE CONSTITUTION.

For the purpose of ascertaining the sense of the people of this State in regard to the adoption or rejection of this Constitution, the Governor shall issue his Proclamation within five days after the adjournment of this convention, directed to the Sheriffs of the City of Baltimore and of the several Counties of this State, commanding them to give notice, in the manner now prescribed by Law in reference to the election of members of the House of Delegates, that an election for the adoption or rejection of this Constitution will be held in the City of Baltimore, and in the several Counties of this State, on Wednesday, the eighteenth day of September, in the year eighteen hundred and sixty-seven, at the usual places of holding elections for members of the House of Delegates in said city and counties. At the said election the vote shall be by

ballot, and upon each ballot there shall be written or printed the words "For the Constitution," or "Against the Constitution," as the voter may elect; and the provisions of the Laws of this State, relating to the holding of general elections for members of the House of Delegates, shall in all respects apply to and regulate the holding of the said election. It shall be the duty of the Judges of Election in said city and in the several counties of the State to receive, accurately count and duly return the number of ballots so cast for or against the adoption of this Constitution, as well as any blank ballots which may be cast, to the several Clerks of the Circuit Courts of this State, and to the Clerk of the Superior Court of Baltimore City in the manner now prescribed by Law, in reference to the election of members of the House of Delegates, and duplicates thereof directly to the Governor; and the several Clerks aforesaid shall return to the Governor, within ten days after said election, the number of ballots cast for or against the Constitution, and the number of blank ballots; and the Governor, upon receiving the returns from the Judges of Election or the Clerks as aforesaid, and ascertaining the aggregate vote throughout the State, shall, by his proclamation, make known the same; and if a majority of the votes cast shall be for the adoption of this Constitution, it shall go into effect on Saturday, the fifth day of October, eighteen hundred and sixty-seven.

Done in Convention, the seventeenth day of August, in the year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States the ninety-second.

RICHARD B. CARMICHAEL,

President of the Convention.

ATTEST:

MILTON Y. KIDD,

Secretary.

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